

PREFACE

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ft – Fast-Track Rule - Federal regulations promulgated in accordance with expedited procedures in R.S. 49:953(F)(3)

F – Federal Language

L – Louisiana Language

S – Substantive Changes to Proposed Rule

P – Rule resulting from a Petition for Rulemaking

Brenda Hayden

Environmental Regulatory Code Editor

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TITLE 33

ENVIRONMENTAL QUALITY

Part I. Office of the Secretary

Subpart 2. Notification

Chapter 39. Notification Regulations and Procedures for Unauthorized Discharges

Subchapter E. Reportable Quantities for Notification of Unauthorized Discharges

§3931. Reportable Quantity List for Pollutants

A. Incorporation by Reference of Federal Regulations

1. Except as provided in Subsection B of this Section, the following federal reportable quantity lists are incorporated by reference:

a. 40 CFR 117.3, July 1, 2008, Table 117.3—Reportable Quantities of Hazardous Substances Designated Pursuant to Section 311 of the Clean Water Act; and

b. 40 CFR 302.4, July 1, 2008, Table 302.4—List of Hazardous Substances and Reportable Quantities.

2. Notification Requirements. The following administrative reporting exemptions are hereby incorporated by reference:

a. 40 CFR 302.6(e), July 1, 2008—Notification Requirements; and

b. 40 CFR 355.40(a)(2)(vii), July 1, 2008—Emergency Release Notification.

B. – C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 2194(C), 2204(A), and 2373(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), LR 20:183 (February 1994), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:944 (September 1995), LR 22:341 (May 1996), amended by the Office of the Secretary, LR 24:1288 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 29:698 (May 2003), LR 30:751 (April 2004), LR 30:1669 (August 2004), amended by the Office of Environmental Assessment, LR 31:919 (April 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:603 (April 2006), LR 32:2248 (December 2006), LR 33:640 (April 2007), LR 33:2628 (December 2007), LR 34:69 (January 2008), LR 34:866 (May 2008), repromulgated LR 34:981 (June 2008), amended LR 35:1106 (June 2009).

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 1. General Provisions

§111. Definitions

A. When used in these rules and regulations, the following words and phrases shall have the meanings ascribed to them below.

* * *

Miscellaneous Metal Parts and Products Coating—the coating of miscellaneous metal parts and products in the following categories:

a. – f. ...

g. any other category of coated metal products except those on the specified list in LAC 33:III.2123.C.1-3, 5-7, and 10 of surface coating processes, which are included in the Standard Industrial Classification Code major group 33 (primary metal industries), major group 34 (fabricated metal products), major group 35 (nonelectrical machinery), major group 36 (electrical machinery), major group 37 (transportation equipment), major group 38 (miscellaneous instruments), and major group 39 (miscellaneous manufacturing industries).

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:348 (June 1988), LR 15:1061 (December 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:777 (August 1991), LR 21:1081 (October 1995), LR 22:1212 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2444 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 32:808 (May 2006), LR 32:1599 (September 2006), LR 33:2082 (October 2007), LR 34:70 (January 2008), LR 35:1101 (June 2009).

Chapter 5. Permit Procedures

§506. Clean Air Interstate Rule Requirements

A. – B.4 ...

C. Annual Sulfur Dioxide. Except as specified in this Section, The Federal SO₂ Model Rule, published in the *Code of Federal Regulation* at 40 CFR Part 96, July 1, 2008, is hereby incorporated by reference, except for Subpart III—CAIR SO₂ Opt-in Units and all references to opt-in units.

D. – E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs

Division, LR 32:1597 (September 2006), amended LR 33:1622 (August 2007), LR 33:2083 (October 2007), LR 34:978 (June 2008), LR 35:1107 (June 2009).

§507. Part 70 Operating Permits Program

A. – B.1. ...

2. No Part 70 source may operate after the time that the owner or operator of such source is required to submit a permit application under Subsection C of this Section, unless an application has been submitted by the submittal deadline and such application provides information addressing all applicable sections of the application form and has been certified as complete in accordance with LAC 33:III.517.B.1. No Part 70 source may operate after the deadline provided for supplying additional information requested by the permitting authority under LAC 33:III.519, unless such additional information has been submitted within the time specified by the permitting authority. Permits issued to the Part 70 source under this Section shall include the elements required by 40 CFR 70.6. The department hereby adopts and incorporates by reference the provisions of 40 CFR 70.6(a), July 1, 2008. Upon issuance of the permit, the Part 70 source shall be operated in compliance with all terms and conditions of the permit. Noncompliance with any federally applicable term or condition of the permit shall constitute a violation of the Clean Air Act and shall be grounds for enforcement action; for permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application.

C. – J.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011, 2023, 2024, and 2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), LR 20:1375 (December 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2447 (November 2000), LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 29:698 (May 2003), LR 30:1008 (May 2004), amended by the Office of Environmental Assessment, LR 31:1061 (May 2005), LR 31:1568 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2437 (October 2005), LR 32:808 (May 2006), LR 33:1619 (August 2007), LR 33:2083 (October 2007), LR 33:2630 (December 2007), LR 34:1391 (July 2008), LR 35:1107 (June 2009).

§535. Part 70 General Conditions

A. The Part 70 General Conditions listed in the table in this Section (numbered as historically designated in a permit) apply to each *Part 70 source* as defined in LAC 33:III.502 upon issuance of the initial Part 70 permit for the source and shall continue to apply until such time as the Part 70 permit is terminated, rescinded, or replaced in its entirety by a state (minor source) permit issued pursuant to LAC 33:III.501. These Part 70 General Conditions shall supersede any previous versions of such conditions contained in Part 70 permits.

40 CFR Part 70 General Conditions	
A.	The term of the permit shall be five years from date of issuance unless otherwise specified. Unless a timely and complete renewal application has been submitted pursuant to LAC 33:III.507, the permit shall expire at the end of the effective duration. Permit expiration terminates the owner's and operator's right to operate the source pursuant to 40 CFR 70.7(c)(ii). Any permit application to renew an existing permit shall be submitted at least six months prior to the date of permit expiration, or at such earlier time as may be required by the existing permit or approved by the permitting authority. In no event shall the application for permit renewal be submitted more than 18 months before the date of permit expiration. Operation may continue under the conditions of the permit during the period of the review of the application for renewal.
B.	The conditions of the permit are severable; and if any provision of the permit or the application of any provision of the permit to any circumstance is held invalid, the application of that provision to other circumstances, and the remainder of the permit, shall not be affected thereby.
C.	The permittee shall comply with all conditions of the 40 CFR Part 70 permit. Any permit noncompliance constitutes a violation of the Clean Air Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
D.	It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
E.	The permit does not convey any property right of any sort, or an exclusive privilege.
F.	The permittee shall furnish to the permitting authority, within a reasonable time, any information that the permitting authority may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the permitting authority copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the administrator along with a claim of confidentiality. A claim of confidentiality does not relieve the permittee of the requirement to provide the information.
G.	The permittee shall pay fees in accordance with LAC 33:III.Chapter 2 and 40 CFR 70.6(a)(7).
H.	Upon presentation of such credentials and other documents as may be required by law, the permittee shall allow the permitting authority or authorized representative to: <ol style="list-style-type: none"> 1. enter upon the permittee's premises where a 40 CFR Part 70 source is located or emission-related activity is conducted, or where records must be kept under the conditions of the permit; 2. have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit; 3. inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and 4. as authorized by the Clean Air Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.
I.	All required monitoring data and supporting information shall be kept available for inspection at the facility or alternate location approved by the agency for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Supporting information includes calibration and maintenance records and all original strip-chart recordings from continuous monitoring instrumentation, and all reports required by the permit.
J.	Records of required monitoring shall include the following: <ol style="list-style-type: none"> 1. the date, place as defined in the permit, and time of sampling or measurements; 2. the dates analyses were performed; 3. the company or entity that performed the analyses; 4. the analytical techniques or methods used; 5. the results of such analyses; and 6. the operating conditions that existed at the time of sampling or measurement.
K.	The permittee shall submit, at least semiannually, a report of any required monitoring, clearly identifying all instances of deviations from

40 CFR Part 70 General Conditions	
	permitted monitoring requirements. For previously-reported deviations, in lieu of attaching the individual deviation reports, the semiannual report may clearly reference the communications or correspondences constituting the prior report, including the date the prior report was submitted. The semiannual report shall be certified by a responsible official and submitted to the Office of Environmental Compliance by March 31 for the preceding period encompassing July through December, and by September 30 for the preceding period encompassing January through June. The semiannual report shall be submitted for each reporting period after the permit has been issued, including during any construction phase and regardless of whether the facility or unit was in operation. The semiannual report may include any semiannual deviation report required to be submitted by March 31 or September 30 in accordance with Part 70 General Condition R as long as the report clearly indicates this, and all required information is included and clearly delineated in the consolidated report.
L.	The permittee shall submit at least semiannual reports on the status of compliance pursuant to 40 CFR 70.5(c)(8) and a progress report on any applicable schedule of compliance pursuant to 40 CFR 70.6(c)(4).
M.	Compliance certifications required by LAC 33:III.507.H.5 shall be submitted to the administrator as well as the permitting authority. For previously-reported compliance deviations, in lieu of attaching the individual deviation reports, the annual report may clearly reference the communications or correspondences constituting the prior report, including the date the prior report was submitted. The compliance certifications shall be submitted to the Office of Environmental Compliance by March 31 for the preceding calendar year. The compliance certification shall be submitted for each reporting period after the permit has been issued, including during any construction phase and regardless of whether the facility or unit was in operation.
N.	If the permittee seeks to reserve a claim of an affirmative defense as provided in LAC 33:III.507.J.2, the permittee shall, in addition to complying with any emergency or upset provisions in any applicable regulation, notify the permitting authority within two working days of the time when emission limitations were exceeded due to the occurrence of an <i>upset</i> , as defined in LAC 33:III.507.J.1. In the event of such an upset, which results in excess emissions, the permittee shall demonstrate through properly signed, contemporaneous operating logs, or other relevant evidence that: <ol style="list-style-type: none"> 1. an upset occurred and the cause was identified; 2. the permitted facility was being operated properly at the time; 3. during the period of the upset, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standard or requirement of the permit; and 4. the permittee notified the permitting authority in accordance with LAC 33:I.Chapter 39.
O.	The permittee shall maintain emissions at a level less than or equal to that provided for under the allowances that the 40 CFR Part 70 source lawfully holds in accordance with Title IV of the Clean Air Act or the regulations promulgated thereunder. No permit revision shall be required for increases in emissions that are authorized by allowances acquired in accordance with the federal acid rain program (40 CFR Parts 72-78), provided that such increases do not require a permit revision under any other applicable requirement. No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement. Any such allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the Clean Air Act.
P.	Any permit issued in accordance with 40 CFR Part 70 may be subject to reopening prior to the expiration of the permit for any of the conditions specified in 40 CFR 70.7(f) or LAC 33:III.529.
Q.	The permittee may request an administrative amendment to the permit to incorporate test results from compliance testing if the criteria in LAC 33:III.523.A.1.a-f are met.
R.	The permittee shall submit prompt reports of all permit deviations as specified below to the Office of Environmental Compliance. All such reports shall be certified by a <i>responsible official</i> as defined in LAC 33:III.502.A. <ol style="list-style-type: none"> 1. A written report shall be submitted within seven days of any emission in excess of permit requirements by an amount greater than the reportable quantity established for that pollutant in LAC 33:I.Chapter 39. 2. A written report shall be submitted for any emission in excess of permit emission limitations, regardless of the amount, where such

Title 33, Part III

40 CFR Part 70 General Conditions
emission occurs over a period of seven days or longer. The report shall be submitted no later than 14 days from the initial occurrence of the release event.
3. A written report shall be submitted semiannually to address all permit deviations not included in Paragraph 1 or 2 of Part 70 General Condition R. Unless required by an applicable reporting requirement, a written report is not required during periods in which there is no deviation. The semiannual deviation reports may be consolidated with the semiannual reports required by Part 70 General Condition K as long as the report clearly indicates this, and all required information is included and clearly delineated in the consolidated report. For previously-reported permit deviations (not reported in accordance with Paragraph 1 or 2 of Part 70 General Condition R), in lieu of attaching the individual deviation reports, the semiannual report may clearly reference the communications or correspondences constituting the prior report, including the date the prior report was submitted. The semiannual report shall be submitted by March 31, for the preceding period encompassing July through December, and by September 30, for the preceding period encompassing January through June.
4. Any written report submitted in advance of the time frames specified in Paragraphs 1-3 of Part 70 General Condition R, in accordance with an applicable regulation, may serve to meet the reporting requirements of this Condition provided the report is certified in accordance with 40 CFR 70.5(d) and contains all information relevant to the permit deviation. Reporting under this Condition does not relieve the permittee from the reporting requirements of any applicable regulation, including LAC 33.I.Chapter 39, LAC 33.III.Chapter 9, and LAC 33.III.5107.
S. The permittee shall continue to comply with applicable requirements on a timely basis, and shall meet on a timely basis applicable requirements that become effective during the permit term.
T. The permittee shall comply with the standards for recycling and emissions reduction in 40 CFR Part 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B.
1. Persons opening appliances for maintenance, service, repair, or disposal must comply with the practices required in 40 CFR 82.156.
2. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment in 40 CFR 82.158.
3. Persons maintaining, servicing, repairing, or disposing of appliances must be certified by an approved technician certification program in accordance with 40 CFR 82.161.
4. Persons disposing of small appliances and MVACs, and <i>MVAC-like appliances</i> as defined in 40 CFR 82.152, must comply with recordkeeping requirements in 40 CFR 82.166.
5. Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements in 40 CFR 82.156.
6. Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances in accordance with 40 CFR 82.166.
U. If the permittee performs a service on motor vehicles that involves an ozone-depleting substance refrigerant (or a regulated substitute substance) in the motor vehicle air conditioner (MVAC), the permittee is subject to all the applicable requirements specified in 40 CFR Part 82, Subpart B, Servicing of Motor Vehicle Air Conditioners. The term "motor vehicle" as used in Subpart B does not include a vehicle whose final assembly has not been completed. The term "MVAC" as used in Subpart B does not include an air-tight sealed refrigeration system used for refrigerated cargo, or a system used on passenger buses that uses HCFC-22 refrigerant.
V. Data Availability for Continuous Monitoring, or Monitoring to Collect Data at Specific Intervals. Except for monitoring malfunctions, associated repairs, and required quality assurance or control activities (including calibration checks and required zero and span adjustments), the permittee shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the emissions unit is operating. For purposes of reporting monitoring deviations under Part 70 General Conditions K and R, and unless otherwise provided for in the permit or an applicable federal or state regulation, the minimum degree of data availability shall be at least 90 percent (based on a monthly average) of the operating time of the emissions unit or activity being monitored. This Condition does not apply to leak detection and repair (LDAR) programs for fugitive emissions (e.g., 40 CFR 60 Subpart VV, 40 CFR 63 Subpart H).
W. Associated with each Specific Requirement in the permit shall be a citation of a federal or state regulation upon which the authority to

40 CFR Part 70 General Conditions
include that Specific Requirement is based. In the event of a discrepancy between an applicable federal or state regulation and the corresponding permit Specific Requirement, the federal or state regulation shall prevail. If an applicable federal or state regulation is modified during the term of this permit such that it conflicts with the corresponding permit Specific Requirement, the modified regulation shall prevail, and the permittee shall comply with the modified regulation by any compliance dates established in the modified regulation. This Condition shall not be construed as a "permit shield" as described in 40 CFR 70.6(f) and LAC 33:III.507.I.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011, 2023, 2024, and 2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 35:658 (April 2009).

§537. Louisiana General Conditions

A. The Louisiana General Conditions listed in the table in this Section (numbered as historically designated in a permit) apply to each source that requires an air permit according to LAC 33:III.501 upon issuance of the initial air permit for the source and shall continue to apply until such time as the permit is terminated or rescinded. These Louisiana General Conditions shall supersede any previous versions of such conditions contained in air permits.

Louisiana Air Emission Permit General Conditions
I. Permits are issued on the basis of the emissions reported in the application for approval of emissions and in no way guarantee that the design scheme presented will be capable of limiting the emissions to the type and quantities stated. Failure to install, properly operate, and/or maintain all proposed control measures and/or equipment as specified in the application and supplemental information shall be considered a violation of the permit and LAC 33:III.501. If the emissions are determined to be greater than those allowed by the permit (e.g., during the shakedown period for new or modified equipment) or if proposed control measures and/or equipment are not installed or do not perform according to design efficiency, an application to modify the permit must be submitted. All terms and conditions of the permit shall remain in effect unless and until revised by the permitting authority.
II. The permittee is subject to all applicable provisions of the Louisiana Environmental Quality Act (the EQA, R.S. 30:2001 et seq.) and the Louisiana air quality regulations. Violation of any of the terms and conditions of the permit constitutes a violation of the EQA.
III. The Emission Rates for Criteria Pollutants, Emission Rates for TAP/HAP and Other Pollutants, and Specific Requirements sections of the permit establish the emission limitations and are a part of the permit. Any operating limitations are noted in the Specific Requirements of the permit.
IV. A permit issued in advance of commencement of construction shall become invalid, for the sources not constructed, if: A. construction is not commenced, or binding agreements or contractual obligations to undertake a program of construction of the project are not entered into, within two years (18 months for PSD permits) after issuance of the permit; or B. construction is discontinued for a period of two years (18 months for PSD permits) or more. The permitting authority may extend this time period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project. However, each phase must commence construction within two years (18 months for PSD permits) of its projected and approved commencement date.
V. Reserved.
VI. The permittee shall notify the Department of Environmental Quality, Office of Environmental Services, of construction completion, within ten calendar days from the date that construction is complete, and provide the estimated date of start-up of operation. The appropriate Regional Office shall also be so notified within the same time frame.
VII. Any emissions testing performed for purposes of demonstrating compliance with the limitations set forth in Louisiana General Condition III

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Louisiana Air Emission Permit General Conditions	
shall be conducted in accordance with the methods described in the Specific Requirements of the permit. Any deviation from or modification of the methods used for testing shall have prior approval from the Office of Environmental Assessment.	
VIII.	The emission testing described in Louisiana General Condition VII, or established in the Specific Requirements of the permit, shall be conducted within 60 days after achieving normal production rate or after the end of the shakedown period, but in no event later than 180 days after initial start-up (or restart-up after modification). The Office of Environmental Assessment shall be notified at least 30 days prior to testing and shall be given the opportunity to conduct a pretest meeting and observe the emission testing. The test results shall be submitted to the Office of Environmental Assessment within 60 days after the completion of testing. As required by LAC 33:III.913, the permittee shall provide necessary sampling ports in stacks or ducts and such other safe and proper sampling and testing facilities as are necessary for proper determination of the emission limits.
IX.	The permittee shall, within 180 days after start-up and shakedown of each project or unit, report to the Office of Environmental Compliance any significant difference in operating emission rates as compared to those limitations specified in Louisiana General Condition III. This report shall also include, but not be limited to, malfunctions and upsets. A request for permit modification shall be submitted, if necessary, as required in Louisiana General Condition I.
X.	The permittee shall retain records of all information resulting from monitoring activities and information indicating operating parameters as specified in the specific conditions of the permit for a minimum of at least five years.
XI.	If for any reason the permittee does not comply with, or will not be able to comply with, the emission limitations specified in the permit, the permittee shall provide the Office of Environmental Compliance with a written report as specified below. <p>A. A written report shall be submitted within seven days of any emission in excess of permit requirements by an amount greater than the reportable quantity established for that pollutant in LAC 33:I.Chapter 39.</p> <p>B. A written report shall be submitted for any emission in excess of permit emission limitations, regardless of the amount, where such emission occurs over a period of seven days or longer. The report shall be submitted no later than 14 days from the initial occurrence of the release event.</p> <p>C. A written report shall be submitted semiannually to address all emission limitation exceedances not included in Paragraph A or B of Louisiana General Condition XI. The semiannual report shall be submitted by March 31 for the preceding period encompassing July through December, and by September 30 for the preceding period encompassing January through June.</p> <p>D. Each report submitted in accordance with this Condition shall contain the following information:</p> <ol style="list-style-type: none"> 1. a description of noncomplying emissions; 2. the cause of noncompliance; 3. the anticipated time the noncompliance is expected to continue or, if it has been corrected, the duration of the period of noncompliance; 4. the steps taken by the permittee to reduce and eliminate the noncomplying emissions; and 5. the steps taken by the permittee to prevent recurrences of the noncomplying emissions. <p>E. Any written report submitted in advance of the time frames specified in Paragraphs A-C of Louisiana General Condition XI, in accordance with an applicable regulation, may serve to meet the reporting requirements of this Condition provided all information specified in Paragraph D of Louisiana General Condition XI is included. For Part 70 sources, reports submitted in accordance with Part 70 General Condition R set forth in LAC 33:III.535.A shall serve to meet the requirements of this Condition provided all specified information is included. Reporting under this Condition does not relieve the permittee from the reporting requirements of any applicable regulation, including LAC 33:I.Chapter 39, LAC 33:III.Chapter 9, and LAC 33:III.5107.</p>
XII.	The permittee shall allow the authorized officers and employees of the Department of Environmental Quality, at all reasonable times and upon presentation of identification, to: <p>A. enter upon the permittee's premises where regulated facilities are located, where regulated activities are conducted, or where records required under the permit are kept;</p> <p>B. have access to and copy any records that are required to be kept under the terms and conditions of the permit, the Louisiana</p>

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Environmental Quality Act, or the federal Clean Air Act;	
C.	inspect any facilities, equipment (including inspections of monitoring methods and operation and maintenance inspections), or operations regulated under the permit; and
D.	sample or monitor, for the purpose of assuring compliance with the permit or as otherwise authorized by the Clean Air Act or regulations adopted thereunder, any substances or parameters at any location.
XIII.	If samples are taken under Louisiana General Condition XII, the officer or employee obtaining such samples shall give the owner, operator, or agent in charge a receipt describing the samples obtained. If requested to do so prior to leaving the premises, the officer or employee shall give a portion of each sample equal in volume or weight to the portion retained to the owner, operator, or agent in charge. If an analysis is made of such samples, a copy of the analysis shall be furnished promptly to the owner, operator, or agent in charge.
XIV.	The permittee shall allow authorized officers and employees of the Department of Environmental Quality, upon presentation of identification, to enter upon the permittee's premises to investigate potential or alleged violations of the Clean Air Act or the regulations adopted thereunder. In such investigations, the permittee shall be notified at the time entrance is requested of the nature of the suspected violation. Inspections under this Condition shall be limited to the aspects of alleged violations. However, this shall not in any way preclude prosecution of all violations found.
XV.	Reserved.
XVI.	In the event of any change in ownership of the source described in the permit, the permittee and the succeeding owner shall notify the Office of Environmental Services in accordance with LAC 33:I.Chapter 19.
XVII.	Very small emissions to the air, resulting from routine operations, that are predictable, expected, periodic, and quantifiable and that are submitted by the permitted facility to, and approved by, the Office of Environmental Services are considered authorized discharges. Approved activities are noted in the Louisiana General Condition XVII Activities List of the permit. To be approved as an authorized discharge, such very small releases must: <ol style="list-style-type: none"> 1. generally be less than 5 TPY; 2. be less than the minimum emission rate <p>(MER);</p> <ol style="list-style-type: none"> 3. be regularly scheduled (e.g., daily, weekly, monthly, etc.); or 4. be necessary prior to plant start-up or after shutdown (line or compressor pressuring/depressuring, for example). <p>This Condition does not authorize the maintenance of a nuisance, or a danger to public health and safety. The permitted facility must comply with all applicable requirements, including release reporting requirements in LAC 33:I.Chapter 39.</p>
XVIII.	Provisions of the permit may be appealed to the secretary in writing pursuant to La. R.S. 30:2024(A) within 30 days from notice of the permit action. Only those provisions specifically appealed will be suspended by a request for hearing, unless the secretary or the assistant secretary elects to suspend other provisions as well. Construction cannot proceed, except as specifically approved by the secretary or assistant secretary, until a final decision has been rendered on the appeal. A request for hearing must be sent to the Office of the Secretary.
XIX.	If any Part 70 General Condition conflicts with any Louisiana General Condition, then the Part 70 General Condition controls. If any Part 70 General Condition duplicates any Louisiana General Condition, then the Part 70 and Louisiana provisions shall be enforced as one Condition.
XX.	Associated with each Specific Requirement in the permit shall be a citation of a federal or state regulation upon which the authority to include that Specific Requirement is based. In the event of a discrepancy between an applicable federal or state regulation and the corresponding permit Specific Requirement, the federal or state regulation shall prevail. If an applicable federal or state regulation is modified during the term of this permit such that it conflicts with the corresponding permit Specific Requirement, the modified regulation shall prevail, and the permittee shall comply with the modified regulation by any compliance dates established in the modified regulation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011, 2023, 2024, and 2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 35:660 (April 2009).

Chapter 21. Control of Emission of Organic Compounds

Subchapter A. General

§2117. Exemptions

A. The compounds listed in the following table are exempt from the control requirements of this Chapter.

Exempt Compounds
acetone
1-chloro-1,1-difluoroethane (HCFC-142b)
chlorodifluoromethane (HCFC-22)
1-chloro-1-fluoroethane (HCFC-151a)
chlorofluoromethane (HCFC-31)
chloropentafluoroethane (CFC-115)
2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)
cyclic, branched, or linear completely fluorinated alkanes
cyclic, branched, or linear completely fluorinated ethers with no unsaturations
cyclic, branched, or linear completely fluorinated tertiary amines with no unsaturations
cyclic, branched, or linear completely methylated siloxanes
1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300)
1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC-43-10mee)
dichlorodifluoromethane (CFC-12)
1,1-dichloro-1-fluoroethane (HCFC-141b)
1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb)
3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca)
1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114)
1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a)
1,1-difluoroethane (HFC-152a)
difluoromethane (HFC-32)
dimethyl carbonate
ethane
3-ethoxy-1,1,1,2,3,4,4,5,5,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500)
1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C ₄ F ₉ OC ₂ H ₅ or HFE-7200)
ethylfluoride (HFC-161)
1,1,1,2,2,3,3-heptafluoro-3-methoxypropane (n-C ₃ F ₇ OCH ₃ , HFE-7000)
1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea)
2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF ₃) ₂ CFCH ₂ OCH ₃)
2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF ₃) ₂ CFCH ₂ OC ₂ H ₅)
1,1,1,2,3,3,3-hexafluoropropane (HFC-236ea)
1,1,1,3,3,3-hexafluoropropane (HFC-236fa)
methane
methyl acetate
methylene chloride (dichloromethane)
methyl formate (HCOOCH ₃)
1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C ₄ F ₉ OCH ₃ or HFE-7100)
parachlorobenzotrifluoride (PCBTf)
1,1,1,3,3-pentafluorobutane (HFC-365mfc)
pentafluoroethane (HFC-125)
1,1,1,2,3-pentafluoropropane (HFC-245eb)
1,1,1,3,3-pentafluoropropane (HFC-245fa)
1,1,2,2,3-pentafluoropropane (HFC-245ca)
1,1,2,3,3-pentafluoropropane (HFC-245ea)
perchloroethylene (tetrachloroethylene)
sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine
propylene carbonate

Exempt Compounds
1,1,1,2-tetrafluoroethane (HFC-134a)
1,1,2,2-tetrafluoroethane (HFC-134)
1,1,1-trichloroethane (methyl chloroform)
trichlorofluoromethane (CFC-11)
1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113)
1,1,1-trifluoro-2,2-dichloroethane (HCFC-123)
1,1,1-trifluoroethane (HFC-143a)
trifluoromethane (HFC-23)

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 16:118 (February 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:289 (March 1994), LR 21:681 (July 1995), LR 21:1330 (December 1995), repromulgated LR 22:14 (January 1996), amended LR 22:703 (August 1996), LR 23:1661 (December 1997), LR 24:22 (January 1998), LR 25:258 (February 1999), amended by the Office of Environmental Assessment, LR 31:1062 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 35:924 (May 2009).

Subchapter B. Organic Solvents

§2123. Organic Solvents

A. Except as provided in Subsections B and C of this Section, any emission source using organic solvents having an emission of organic solvents of more than 3 pounds (1.3 kilograms) per hour or 15 pounds (6.8 kilograms) per day shall reduce the emission, where feasible, by incorporating one or more of the following control methods:

1. incineration, provided 90 percent of the carbon in the organic compounds being incinerated is oxidized to carbon dioxide (except as provided in Subsection D of this Section);

2. carbon adsorption, with a control efficiency of at least 90 percent, of the organic compounds;

3. any other equivalent means as may be approved by the administrative authority. Once a source exceeds the emission cutoff specified in this Section that source shall be subject and shall remain subject to the requirements of this Subsection regardless of future emission rates.

B. Soldering operations, painting and coating operations not listed in Subsection C of this Section, and dry cleaning operations using organic solvents that are not considered photochemically reactive shall be considered for exemption from the requirements of this Section.

1. – 2. ...

C. Surface Coating Industries. No person may cause, suffer, allow, or permit volatile organic compound (VOC) emissions from the surface coating of any materials affected by this Subsection to exceed the emission limits as specified in this Section.

Affected Facility	Daily Weighted Average VOC Emission Limitation	
	Lbs. per Gal. of Coating as applied (minus water and exempt solvent)	Kgs. per Liter of Coating as applied (minus water and exempt solvent)
1. Large Appliance Coating Industry		
General, One Component (Baked/Air Dried)	2.3 / 2.3	0.275 / 0.275
General, Multi-Component (Baked/Air Dried)	2.3 / 2.8	0.275 / 0.340
Extreme High Gloss (Baked/Air Dried)	3.0 / 2.8	0.360 / 0.340
Extreme Performance (Baked/Air Dried)	3.0 / 3.5	0.360 / 0.420
Heat Resistant (Baked/Air Dried)	3.0 / 3.5	0.360 / 0.420
Metallic (Baked/Air Dried)	3.5 / 3.5	0.420 / 0.420
Pretreatment Coatings (Baked/Air Dried)	3.5 / 3.5	0.420 / 0.420
Solar Absorbent (Baked/Air Dried)	3.0 / 3.5	0.360 / 0.420
2. Surface Coating of Cans		
Sheet Basecoat (exterior and interior) and over- varnish: Two-piece can exterior (basecoat and over- varnish)	2.8	0.34
Two and three-piece can interior body spray, two- piece can exterior end (spray or roll coat)	4.2	0.51
Three-piece can side-seam spray	5.5	0.66
End sealing compound	3.7	0.44
3. Surface Coating of Coils		
Prime and topcoat or single coat operation	2.6	0.31
4. Surface Coating of Fabrics		
Fabric Facility	2.9	0.35
Vinyl Coating Line (except Plasticol coatings)	3.8	0.45
5. Surface Coating of Assembly Line Automobiles and Light Duty Trucks		
Prime application, flashoff area and oven (determined on a monthly basis)	1.2	0.14
Primer surface application flashoff area and oven	2.8	0.34
Topcoat application, flashoff area and oven	2.8	0.34
Final repair application, flashoff area and oven	4.8	0.58
As an alternative to the emission limitation of 2.8 pounds of VOC per gallon of coating applied for the primer surfacer and/or topcoat application, compliance with these emission limitations may be demonstrated by meeting a standard of 15.1 pounds of VOC per gallon of solids deposited.		
6. Surface Coating—Magnet Wire Coating		
Coating Line	1.7	0.20
7. Surface Coating of Metal Furniture		
General, One Component (Baked/Air Dried)	2.3 / 2.3	0.275 / 0.275
General, Multi-Component (Baked/Air Dried)	2.3 / 2.8	0.275 / 0.340
Extreme High Gloss (Baked/Air Dried)	3.0 / 2.8	0.360 / 0.340
Extreme Performance (Baked/Air Dried)	3.0 / 3.5	0.360 / 0.420

Affected Facility	Daily Weighted Average VOC Emission Limitation	
	Lbs. per Gal. of Coating as applied (minus water and exempt solvent)	Kgs. per Liter of Coating as applied (minus water and exempt solvent)
Heat Resistant (Baked/Air Dried)	3.0 / 3.5	0.360 / 0.420
Metallic (Baked/Air Dried)	3.5 / 3.5	0.420 / 0.420
Pretreatment Coatings (Baked/Air Dried)	3.5 / 3.5	0.420 / 0.420
Solar Absorbent (Baked/Air Dried)	3.0 / 3.5	0.360 / 0.420
8. Surface Coating of Miscellaneous Metal Parts and Products		
Clear Coat	4.3	0.52
Air or force air dried items (not oven dried)	3.5	0.42
Frequent color change and/or large numbers of colors applied, or first coat on untreated ferrous substrate	3.0	0.36
Outdoor or harsh exposure or extreme performance characteristics	3.5	0.42
No or infrequent color change, or small number of colors applied:		
a. Powder Coating	0.4	0.05
b. Other	3.0	0.36
These limits do not apply to operations covered in 1-7 or 10 herein or exterior coating of fully assembled aircraft, auto refinishing, and auto customizing topcoating (processing less than 35 vehicles per day).		
9. Factory Surface Coating of Flat Wood Paneling with VOC Emissions Greater Than 15 Pounds Per Day Before Controls		
All Inks, Coatings, and Adhesives	2.1	0.25
10. Surface Coating for Marine Vessels and Oilfield Tubulars and Ancillary Oilfield Equipment		
a. Except as otherwise provided in this Section, a person shall not apply a marine coating with a VOC content in excess of the following limits:		
Baked Coatings	3.5	0.42
Air-Dried Single-Component Alkyd or Vinyl Flat or Semi Gloss Finish Coatings	3.5	0.42
Two Component Coatings	3.5	0.42
b. Except for the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge, in which the VOC limitations in Subparagraph C.10.a of this Section may not be exceeded, specialty marine coatings and coatings on oilfield tubulars and ancillary oilfield equipment with a VOC content not in excess of the following limits may be applied:		
Heat Resistant	3.5	0.42
Metallic Heat Resistant	4.42	0.53
High Temperature (Fed. Spec. TT-P-28)	5.41	0.65
Pre-Treatment Wash Primer	6.5	0.78
Underwater Weapon	3.5	0.42
Elastomeric Adhesives With 15 Percent Weight Natural or Synthetic Rubber	6.08	0.73
Solvent-Based Inorganic Zinc Primer	5.41	0.65
Pre-Construction and Interior Primer	3.5	0.42
Exterior Epoxy Primer	3.5	0.42
Navigational Aids	3.5	0.42

Affected Facility	Daily Weighted Average VOC Emission Limitation	
	Lbs. per Gal. of Coating as applied (minus water and exempt solvent)	Kgs. per Liter of Coating as applied (minus water and exempt solvent)
Sealant for Wire-Sprayed Aluminum	5.4	0.648
Special Marking	4.08	0.49
Tack Coat (Epoxies)	5.08	0.61
Low Activation Interior Coating	4.08	0.49
Repair and Maintenance Thermoplastic	5.41	0.65
Extreme High Gloss Coating	4.08	0.49
Antenna Coating	4.42	0.53
Antifoulant	3.66	0.44
High Gloss Alkyd	3.5	0.42
Anchor Chain Asphalt Varnish (Fed. Spec. TT-V-51)	5.2	0.62
Wood Spar Varnish (Fed. Spec. TT-V-119)	4.1	0.492
Dull Black Finish Coating (DOD-P-15146)	3.7	0.444
Tank Coatings (DOD-P-23236)	3.5	0.42
Potable Water Tank Coating (DOD-P-23236)	3.7	0.444
Flight Deck Markings (DOD-C-24667)	4.2	0.504
Vinyl Acrylic Top Coats	5.4	0.648
Antifoulant Applied to Aluminum Hulls	4.5	0.55
11. Paper, Film, Foil, Pressure Sensitive Tape, and Label Surface Coating	Daily Weighted Average VOC Emission Limitation	
	kg VOC/kg Solids (lb VOC/lb Solids)	kg VOC/kg Coating (lb VOC/lb Coating)
Paper, Film, and Foil	0.40	0.08
Pressure Sensitive Tape and Label	0.20	0.067

D. Control Techniques

1. If add-on controls such as incinerators or vapor recovery systems are used to comply with the emission limitation requirements, in terms of pounds per gallon of solids as applied (determined in accordance with Paragraph D.8 of this Section), the volatile organic compound capture and abatement system shall be at least 80 percent efficient overall (90 percent for factory surface coating of flat wood paneling). All surface coating facilities shall submit to the Office of Environmental Services, for approval, design data for each capture system and emission control device that is proposed for use. The effectiveness of the capture system (i.e., capture efficiency) shall be determined using the procedure specified in Paragraph E.6 of this Section.

2. If a person wishes to use low solvent technology to meet any of the emission limits specified in Subsection C of this Section and if the technology to be used for any particular application is not now proven but is expected to be proven in a reasonable length of time, he may request a compliance date extension from the administrative

authority*. Compliance date extensions will require progress reports every 90 days, or as directed, to show reasonable progress, as determined by the administrative authority, toward technology to meet the specified emission limitation.

3. ...

4. Compliance with the alternative emission limit established in Paragraph C.5 of this Section of 15.1 pounds of VOC per gallon of solids deposited shall be determined in accordance with EPA's "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light Duty Truck Topcoat Operations", EPA 450/3-88-018, December, 1988.

5. ...

6. Surface coating facilities on any property in Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge parishes that when controlled have a potential to emit, at maximum production, a combined weight (total from the property) of VOCs less than 10 tons in any consecutive 12 calendar months are exempt from the provisions of Subsection C of this Section. Surface coating facilities on any property in parishes other than Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge that when uncontrolled have a potential to emit a combined weight of VOCs less than 100 pounds (45 kilograms) in any consecutive 24-hour period are exempt from the provisions of Subsection C of this Section. Any surface coating facility with VOC emissions of less than or equal to 15 pounds (6.8 kilograms) per day is exempt from the provisions of Paragraphs C.1, 8, and 11 of this Section.

7. Soldering and surface coating facilities or portions thereof, may request from the administrative authority* exemption from the requirements of Subsection C of this Section if all of the following conditions are met:

7.a. – 9. ...

E. Testing. Compliance with Subsections A, C, and D of this Section shall be determined by applying the following test methods, as appropriate.

1. – 7. ...

F. Recordkeeping. The owner/operator of any surface coating facility shall maintain records at the facility to verify compliance with or exemption from this Section. The records shall be maintained for at least two years and shall include, but not be limited to, the following:

1. records of any testing done in accordance with Subsection E of this Section;

2. records of the installation and maintenance of monitors to accurately measure and record operational parameters of all required control devices as necessary to ensure the proper functioning of those devices in accordance with the design specifications, including but not limited to:

2.a. – 4. ...

G. Mandatory Work Practices for Surface Coating of Flat Wood Paneling. The owner/operator of any facility performing factory surface coating of flat wood paneling shall comply with the following mandatory work practices:

1. store all VOC coatings, thinners, and cleaning materials in closed containers;
2. minimize spills and clean up spills immediately;
3. convey any coatings, thinners, and cleaning material in closed containers or pipes; and
4. close mixing vessels containing VOC coatings and other material except when specifically in use.

H. Definitions

Air Dried Coating—any coating that is cured at a temperature below 90°C (194°F).

Baked Coating—any coating that is cured at a temperature at or above 90°C (194°F).

Extreme High Gloss Coating—any coating that achieves at least 95 percent reflectance on a 60° meter when tested by ASTM Method D-523.

Heat Resistant Coating—any coating that during normal use must withstand temperatures of at least 204°C (400°F).

High Gloss Coating—any coating that achieves at least 85 percent reflectance on a 60° meter when tested by ASTM Method D-523.

High Temperature Coating—any coating that must withstand temperatures of at least 426°C (800°F).

Marine Coating—any coating, except unsaturated polyester resin (fiberglass) coatings, containing volatile organic materials and applied by brush, spray, roller, or other means to ships, boats, and their appurtenances, and to buoys and oil drilling rigs intended for the marine environment.

Metallic Heat Resistant Coating—any coating that contains more than 5 grams of metal particles per liter as applied and that must withstand temperatures over 80°C (175°F).

Repair and Maintenance Thermoplastic Coating—a resin-bearing coating in which the resin becomes pliable with the application of heat, such as vinyl, chlorinated rubber, or bituminous coatings.

I. Timing. A facility that has become subject to this regulation as a result of a revision of the regulation shall comply with the requirements of this Section as soon as practicable, but in no event later than one year from promulgation of the regulation revision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 16:119 (February 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:654 (July 1991), LR 18:1122 (October 1992), LR 22:340 (May 1996), LR 22:1212

(December 1996), LR 23:1678 (December 1997), LR 24:23 (January 1998), LR 24:1285 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1240 (July 1999), LR 26:2453 (November 2000), LR 28:1765 (August 2002), LR 30:746 (April 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2440 (October 2005), LR 33:2086 (October 2007), LR 35:1102 (June 2009).

Subchapter H. Graphic Arts

§2143. Graphic Arts (Printing) by Rotogravure, Flexographic, Offset Lithographic, Letterpress, and Flexible Package Printing Processes

A. Control Requirements

1. After June 20, 2010, no person shall operate or allow the operation of a packaging rotogravure, publication rotogravure, or flexographic printing facility having a potential to emit 25 TPY or more of VOC in the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge; having a potential to emit 50 TPY or more of VOC in the parishes of Calcasieu and Pointe Coupee; or having a potential to emit 100 TPY or more of VOC in any other parish, unless VOC emissions are controlled by one of the methods in Subparagraphs A.1.a-d of this Section. This requirement applies to affected machines on which both surface coating and printing operations are performed. Line-by-line compliance with these emission limits or control requirements is required. Any cross-line averaging or bubbling must receive approval from the administrative authority*. Once a facility is subject to the provisions of this Section, it remains so regardless of future variations in production.

a. The solvent fraction of ink, as it is applied to the substrate, less exempt solvent, shall contain 25 volume percent or less of organic solvent and 75 volume percent or more of water. Also acceptable as an alternative limit is ink containing no more than 0.5 pounds of volatile organic compounds per pound of solids. Exempt solvents are those compounds listed in LAC 33:III.2117.

b. A volatile organic compound adsorption or incineration system shall have at least 95 percent (by weight) control efficiency across the control device, which can be demonstrated to have an overall capture and abatement reduction of at least 85 percent.

c. The ink as it is applied to the substrate, less water and exempt solvent, shall contain 60 percent by volume or more of nonvolatile material.

d. Another control method approved by the administrative authority* may be employed.

2. After June 20, 2010, no person shall operate or allow the operation of a flexible package printing facility having a potential to emit 25 TPY or more of VOC in the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge; having a potential to emit 50 TPY or more of VOC in the parishes of Calcasieu and Pointe Coupee; or having a potential to emit 100 TPY or more of VOC in any other parish, unless VOC emissions are

controlled to the applicable control efficiency specified in Subparagraphs A.2.a-d or e of this Section. Once a piece of equipment is subject to the provisions of this Section, it remains so regardless of future variations in production or transfers to different locations.

a. A press that was first installed prior to March 14, 1995, and that is controlled by an add-on air pollution control device (APCD) whose first installation was prior to December 20, 1987, shall have 65 percent control efficiency.

b. A press that was first installed prior to March 14, 1995, and that is controlled by an add-on APCD whose first installation was on or after December 20, 1987, shall have 70 percent control efficiency.

c. A press that was first installed on or after March 14, 1995, and that is controlled by an APCD whose first installation was prior to December 20, 1987, shall have 75 percent control efficiency.

d. A press that was first installed on or after March 14, 1995, and that is controlled by an add-on APCD whose first installation was on or after December 20, 1987, shall have 80 percent control efficiency.

e. As an alternative to Subparagraph A.2.a, b, c, or d, a facility shall meet the average VOC content limit on a single press of 0.8 kg VOC/kg solids applied or 0.16 kg VOC/kg materials applied.

3. After June 20, 2010, no person shall operate or allow the operation of an offset lithographic or letterpress printing facility having a potential to emit 25 TPY or more of VOC in the parish of Ascension, East Baton Rouge, Iberville, Livingston, or West Baton Rouge; having a potential to emit 50 TPY or more of VOC in the parish of Calcasieu or Pointe Coupee; or having a potential to emit 100 TPY or more of VOC in any other parish, unless VOC emissions are controlled by one of the methods in Subparagraphs A.3.a-c of this Section. Once a facility is subject to the provisions of this Section, it remains so regardless of future variations in production. Determination of potential to emit, for the purposes of applicability, shall be made without respect to any VOC control device.

a. Control for heatset web offset lithographic processes, letterpress dryers, and the volatilization of inks in a letterpress dryer shall be accomplished by:

i. a control device with at least 90 percent control efficiency for control devices installed prior to June 20, 2009. The installation date does not change if the control device is later used to control a new or different press;

ii a control device with at least 95 percent control efficiency for control devices installed on or after June 20, 2009; or

iii a control device that limits the control device outlet concentration to 20 ppmv or less as hexane on a dry basis.

b. Control for offset lithographic fountain solution emitting more than 15 pounds per day shall be accomplished as follows:

i. heatset printing—limit the amount of alcohol by weight to 1.6 percent or less as applied;

ii. sheet-fed printing—limit the amount of alcohol by weight to 5 percent or less as applied. Sheet-fed presses with sheet size of 11 x 17 inches or smaller or any press with a total fountain solution reservoir of less than 1 gallon are exempt;

iii. coldset printing—limit the amount of alcohol by weight to 5 percent or less as applied.

c. Another control method approved by the administrative authority* may be employed.

4. Control for cleaning materials for those facilities where actual emissions from lithographic and letterpress printing operations are greater than 15 pounds per day (before consideration of controls) shall be accomplished by one of the following methods.

a. Cleaning materials shall contain a VOC composite with a vapor pressure of less than 10 mm Hg (0.19 psi) at 20°C or contain less than 70 percent VOC by weight.

b. Cleaning materials and used shop towels shall be kept in closed containers except when actually in use.

c. For blanket washing, roller washing, plate cleaners, metering roller cleaners, impression cylinder cleaners, rubber rejuvenators, and other cleaners used for cleaning a press or press parts, or to remove dried ink around a press, any amount greater than 110 gallons of cleaning materials per year shall meet either the low VOC composite vapor pressure requirement or the lower VOC requirement.

5. Control for cleaning materials for those facilities where actual emissions from flexible package printing operations are greater than 15 pounds per day (before consideration of controls) shall be accomplished by one of the following methods.

a. Cleaning materials and used shop towels shall be kept in closed containers except when actually in use.

b. Cleaning materials shall be conveyed from one location to another in closed containers or pipes.

6. Control for cleaning materials for those facilities where actual emissions from printing operations are greater than 15 pounds per day (before consideration of controls) shall be accomplished by one of the following methods.

a. Cleaning materials and used shop towels shall be kept in closed containers except when actually in use.

b. For blanket washing, roller washing, plate cleaners, metering roller cleaners, impression cylinder cleaners, rubber rejuvenators, and other cleaners used for cleaning a press or press parts, or to remove dried ink around a press, any amount greater than 110 gallons of cleaning

materials per year shall meet either the low VOC composite vapor pressure requirement or the lower VOC requirement.

B. Exemptions

1. For those facilities where actual emissions from packaging rotogravure and publication rotogravure printing operations are greater than 15 pounds per day (before consideration of controls) and where the potential to emit is less than 25 TPY of VOC on a per press basis before controls, only the cleaning materials control requirements in Paragraph A.6 of this Section are applicable.

2. The following equipment or processes are exempt from meeting the requirements of Paragraph A.6 of this Section:

a. heatset web offset lithographic printing operations and heatset web letterpress printing operations with the potential to emit from the dryer, prior to controls, an amount equal to or less than 25 tons VOC (petroleum ink oil) per year, provided that an enforceable limit on potential emissions is obtained to keep an individual heatset press below the 25 TPY potential to emit threshold;

b. heatset presses used for book printing and presses with a maximum web width of less than or equal to 22 inches; and

c. operations with emissions from sheet-fed or coldset webinks, sheet-fed or coldset varnishes, waterborne coatings, and radiation cured materials.

C. – E. ...

F. Operating, Monitoring, and Maintenance Procedures. Operating, monitoring, and maintenance procedures for the facilities and equipment subject to the requirements of this Section shall be incorporated into the housekeeping plan required by LAC 33:III.2113.A.4.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 16:964 (November 1990), LR 18:1123 (October 1992), LR 22:1212 (December 1996), LR 24:25 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1796 (October 1999), LR 28:1765 (August 2002), LR 30:746 (April 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 34:1892 (September 2008), LR 35:1104 (June 2009).

Subchapter N. Method 43—Capture Efficiency Test Procedures

[Editor's Note: This Subchapter was moved and renumbered from Chapter 61 (December 1996).]

§2160. Procedures

A. Except as provided in Subsection C of this Section, the regulations at 40 CFR Part 51, Appendix M, July 1, 2008, are hereby incorporated by reference.

B. – C.2.b.iv. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:653 (July 1991), amended LR 22:1212 (December 1996), LR 23:1680 (December 1997), LR 24:1286 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:1224 (August 2001), LR 29:698 (May 2003), LR 30:1009 (May 2004), amended by the Office of Environmental Assessment, LR 31:1568 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:809 (May 2006), LR 33:1620 (August 2007), LR 34:1391 (July 2008), LR 35:1107 (June 2009).

Chapter 30. Standards of Performance for New Stationary Sources (NSPS)

Subchapter A. Incorporation by Reference

§3003. Incorporation by Reference of 40 *Code of Federal Regulations* (CFR) Part 60

A. Except for 40 CFR Part 60, Subpart AAA, and as modified in this Section, Standards of Performance for New Stationary Sources, published in the *Code of Federal Regulations* at 40 CFR Part 60, July 1, 2008, are hereby incorporated by reference as they apply to the state of Louisiana. Also incorporated by reference are the following revisions to 40 CFR Part 60: stay of effective date of Subpart Ja as promulgated on July 28, 2008, in the *Federal Register*, 73 FR 43626-43627; amendments to Subpart JJJ as promulgated on October 8, 2008, in the *Federal Register*, 73 FR 59175-59178; and amendments to Subparts D, Da, Db, and Dc as promulgated on January 28, 2009, in the *Federal Register*, 74 FR 5072-5093.

B. – C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 22:1212 (December 1996), amended LR 23:1681 (December 1997), LR 24:1287 (July 1998), LR 24:2238 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1239 (July 1999), LR 25:1797 (October 1999), LR 26:1607 (August 2000), LR 26:2460, 2608 (November 2000), LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 28:2179 (October 2002), LR 29:316 (March 2003), LR 29:698 (May 2003), LR 30:1009 (May 2004), amended by the Office of Environmental Assessment, LR 31:1568 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2446 (October 2005), LR 32:809 (May 2006), LR 32:1596 (September 2006), LR 33:1620 (August 2007), LR 33:2092 (October 2007), LR 33:2626 (December 2007), LR 34:1391 (July 2008), LR 35:1107 (June 2009).

Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program

Subchapter B. Incorporation by Reference of 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants)

§5116. Incorporation by Reference of 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants)

A. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants, published in the *Code of Federal Regulations* at 40 CFR Part 61, July 1, 2008, and specifically listed in the following table, are hereby incorporated by reference as they apply to sources in the state of Louisiana.

40 CFR Part 61	Subpart/Appendix Heading
* * *	
[See Prior Text in Subpart A – Appendix C]	

B. – C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:61 (January 1997), amended LR 23:1658 (December 1997), LR 24:1278 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1464 (August 1999), LR 25:1797 (October 1999), LR 26:2271 (October 2000), LR 27:2230 (December 2001), LR 28:995 (May 2002), LR 28:2179 (October 2002), LR 29:699 (May 2003), LR 30:1009 (May 2004), amended by the Office of Environmental Assessment, LR 31:1569 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2448 (October 2005), LR 32:809 (May 2006), LR 33:1620 (August 2007), LR 33:2094 (October 2007), LR 34:1391 (July 2008), LR 35:1108 (June 2009).

Subchapter C. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as It Applies to Major Sources

§5122. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as It Applies to Major Sources

A. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants for Source Categories, published in the *Code of Federal Regulations* at 40 CFR Part 63, July 1, 2008, are hereby incorporated by reference as they apply to major

sources in the state of Louisiana. Also incorporated by reference are the following revisions to 40 CFR Part 63, applicable to major sources: withdrawal of and revision to Subpart M as promulgated on July 11, 2008, in the *Federal Register*, 73 FR 39871-39875; partial withdrawal of direct final rule and amendments to Subpart EEEE as promulgated on July 17, 2008, in the *Federal Register*, 73 FR 40977-40982; and amendments to Subpart BBBB as promulgated on July 22, 2008, in the *Federal Register*, 73 FR 42529-42532.

B. – C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:61 (January 1997), amended LR 23:1659 (December 1997), LR 24:1278 (July 1998), LR 24:2240 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1464 (August 1999), LR 25:1798 (October 1999), LR 26:690 (April 2000), LR 26:2271 (October 2000), LR 27:2230 (December 2001), LR 28:995 (May 2002), LR 28:2180 (October 2002), LR 29:699 (May 2003), LR 29:1474 (August 2003), LR 30:1010 (May 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2449 (October 2005), LR 31:3115 (December 2005), LR 32:810 (May 2006), LR 33:1620 (August 2007), LR 33:2095 (October 2007), LR 33:2677 (December 2007), LR 34:1392 (July 2008), LR 35:1108 (June 2009).

Chapter 53. Area Sources of Toxic Air Pollutants

Subchapter B. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as It Applies to Area Sources

§5311. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as It Applies to Area Sources

A. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants for Source Categories, published in the *Code of Federal Regulations* at 40 CFR Part 63, July 1, 2008, are hereby incorporated by reference as they apply to area sources in the state of Louisiana. Also incorporated by reference are the following revisions to 40 CFR Part 63, applicable to area sources: withdrawal of and revision to Subpart M as promulgated on July 11, 2008, in the *Federal Register*, 73 FR 39871-39875; Subpart XXXXXX as promulgated on July 23, 2008, in the *Federal Register*, 73 FR 42977-43011; and Subpart YYYYYY as promulgated on December 23, 2008, in the *Federal Register*, 73 FR 78637-76847.

B. – C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:63 (January 1997), amended LR 23:1660 (December 1997), LR 24:1279 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1464 (August 1999), LR 27:2230 (December 2001), LR 28:995 (May 2002), LR 28:2180 (October 2002), LR 29:699 (May 2003), LR 30:1010 (May 2004), amended by the Office of Environmental Assessment, LR 31:1569 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2451 (October 2005), LR 32:810 (May 2006), LR 33:1620 (August 2007), LR 33:2096 (October 2007), LR 34:1392 (July 2008), LR 35:1108 (June 2009).

Chapter 59. Chemical Accident Prevention and Minimization of Consequences

Subchapter A. General Provisions

§5901. Incorporation by Reference of Federal Regulations

A. Except as provided in Subsection C of this Section, the department incorporates by reference 40 CFR Part 68, July 1, 2008.

B. – C.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 30:2063.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:421 (April 1994), amended LR 22:1124 (November 1996), repromulgated LR 22:1212 (December 1996), amended LR 24:652 (April 1998), LR 25:425 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:70 (January 2000), LR 26:2272 (October 2000), LR 28:463 (March 2002), LR 29:699 (May 2003), LR 30:1010 (May 2004), amended by the Office of Environmental Assessment, LR 30:2463 (November 2004), LR 31:1570 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:810 (May 2006), LR 33:1621 (August 2007), LR 34:1392 (July 2008), LR 35:1109 (June 2009).

TITLE 33**ENVIRONMENTAL QUALITY****Part V. Hazardous Waste and
Hazardous Materials****Subpart 1. Department of
Environmental Quality—Hazardous
Waste****Chapter 30. Hazardous Waste
Burned in Boilers and Industrial
Furnaces****§3099. Appendices—Appendix A, B, C, D, E, F, G, H, I,
J, K, and L****Appendix A. Tier I and Tier II Feed Rate and Emissions
Screening Limits For Metals**

A. 40 CFR 266, Appendix I, July 1, 2008, is hereby incorporated by reference.

**Appendix B. Tier I Feed Rate Screening Limits for Total
Chlorine**

A. 40 CFR 266, Appendix II, July 1, 2008, is hereby incorporated by reference.

**Appendix C. Tier II Emission Rate Screening Limits for
Free Chlorine and Hydrogen Chloride**

A. 40 CFR 266, Appendix III, July 1, 2008, is hereby incorporated by reference.

Appendix D. Reference Air Concentrations

A. 40 CFR 266, Appendix IV, July 1, 2008, is hereby incorporated by reference, except that in regulations incorporated thereby, references to 40 CFR 261, Appendix VIII and 266, Appendix V shall mean LAC 33:V.3105, Table 1 and LAC 33:V.3099.Appendix E, respectively.

Appendix E. Risk-Specific Doses (10^{-5})

A. 40 CFR 266, Appendix V, July 1, 2008, is hereby incorporated by reference.

**Appendix F. Stack Plume Rise [Estimated Plume Rise
(in Meters) Based on Stack Exit Flow Rate and Gas
Temperature]**

A. 40 CFR 266, Appendix VI, July 1, 2008, is hereby incorporated by reference.

**Appendix G. Health-Based Limits for Exclusion of
Waste-Derived Residues**

A. 40 CFR 266, Appendix VII, July 1, 2008, is hereby incorporated by reference, except that in regulations incorporated thereby, 40 CFR 261, Appendix VIII, 266.112(b)(1) and (b)(2)(i), and 268.43 shall mean LAC 33:V.3105, Table 1, 3025.B.1 and B.2.a, and LAC 33:V.2299.Appendix, Table 2, respectively.

**Appendix H. Organic Compounds for Which Residues
Must Be Analyzed**

A. 40 CFR 266, Appendix VIII, July 1, 2008, is hereby incorporated by reference.

**Appendix I. Methods Manual for Compliance with the
BIF Regulations**

A. 40 CFR 266, Appendix IX, July 1, 2008, is hereby incorporated by reference, except as follows.

A.1. – B. ...

**Appendix J. Lead-Bearing Materials That May Be
Processed in Exempt Lead Smelters**

A. 40 CFR 266, Appendix XI, July 1, 2008, is hereby incorporated by reference.

**Appendix K. Nickel or Chromium-Bearing Materials
That May Be Processed in Exempt Nickel-Chromium
Recovery Furnaces**

A. 40 CFR 266, Appendix XII, July 1, 2008, is hereby incorporated by reference, except that the footnote should be deleted.

**Appendix L. Mercury-Bearing Wastes That May Be
Processed in Exempt Mercury Recovery Units**

A. 40 CFR 266, Appendix XIII, July 1, 2008, is hereby incorporated by reference, except that in regulations incorporated thereby, 40 CFR 261, Appendix VIII shall mean LAC 33:V.3105, Table 1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 22:827 (September 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:300 (March 2001), LR 27:2231 (December 2001), LR 28:996 (May 2002), LR 29:700 (May 2003), LR 30:751 (April 2004), amended by the Office of Environmental Assessment, LR 31:919 (April 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:603 (April 2006), LR 33:640 (April 2007), LR 34:866 (May 2008), LR 35:1109 (June 2009).

Title 33 ENVIRONMENTAL QUALITY

Part VII. Solid Waste

Subpart 1. Solid Waste Regulations

Chapter 5. Solid Waste Management System

Subchapter A. General Standards for Nonpermitted Facilities

§508. Standards Governing Non-Processing Transfer Stations for Solid Waste

A. – A.4. ...

B. New facilities in which construction has commenced after June 20, 2007, shall comply with a buffer zone requirement of not less than 200 feet between the facility and the property line. Facilities transferring only nonputrescible waste shall comply with a buffer zone requirement of not less than 50 feet between the facility and the property line. A reduction in the buffer zone requirement shall be allowed only with permission, in the form of a notarized affidavit, from all landowners having an ownership interest in property located less than 200 feet (or 50 feet, if applicable) from the facility. The facility's owner or operator shall enter a copy of the notarized affidavit(s) in the mortgage and conveyance records of the parish or parishes in which the landowners' properties are located. The affidavit(s) shall be maintained with the records of the facility. No storage of solid waste shall occur within a facility's buffer zone.

C. – M. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:1034 (June 2007), amended LR 33:2142 (October 2007), LR 34:613 (April 2008), LR 35:925 (May 2009).

Chapter 7. Solid Waste Standards

Subchapter A. Landfills, Surface Impoundments, Landfarms

§709. Standards Governing Type I and II Solid Waste Disposal Facilities

A. – B.2.d. ...

3. Buffer Zones

a. Buffer zones of not less than 200 feet shall be provided between the facility and the property line. A reduction in this requirement shall be allowed only with permission, in the form of a notarized affidavit, from all landowners having an ownership interest in property located less than 200 feet from the facility. The facility's owner or

operator shall enter a copy of the notarized affidavit(s) in the mortgage and conveyance records of the parish or parishes in which the landowners' properties are located. Buffer zone requirements may be waived or modified by the administrative authority for areas of landfills that have been closed in accordance with these regulations and for existing facilities.

B.3.b. – E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), repromulgated LR 19:1315 (October 1993), amended by the Office of the Secretary, LR 24:2250 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2521 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2490 (October 2005), LR 33:1045 (June 2007), LR 34:613 (April 2008), LR 35:925 (May 2009).

Subchapter B. Solid Waste Processors

§717. Standards Governing All Type I-A and II-A Solid Waste Processors

A. – B.2.d. ...

3. Buffer Zones

a. Buffer zones of not less than 200 feet shall be provided between the facility and the property line. A reduction in this requirement shall be allowed only with permission, in the form of a notarized affidavit, from all landowners having an ownership interest in property located less than 200 feet from the facility. The facility's owner or operator shall enter a copy of the notarized affidavit(s) in the mortgage and conveyance records of the parish or parishes in which the landowners' properties are located. Buffer zone requirements may be waived or modified by the administrative authority for areas of processing facilities that have been closed in accordance with these regulations and for existing facilities.

B.3.b. – I.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2526, 2610 (November 2000), repromulgated LR 27:704 (May 2001), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2494 (October 2005), LR 33:1061 (June 2007), LR 33:2148 (October 2007), LR 34:613 (April 2008), LR 35:926 (May 2009).

Subchapter C. Minor Processing and Disposal Facilities

§719. Standards Governing All Type III Processing and Disposal Facilities

A. – B.2.d. ...

3. Buffer Zones

a. Buffer zones of not less than 50 feet shall be provided between the facility and the property line. A reduction in this requirement shall be allowed only with permission, in the form of a notarized affidavit, from all landowners having an ownership interest in property located less than 50 feet from the facility. The facility's owner or operator shall enter a copy of the notarized affidavit(s) in the mortgage and conveyance records of the parish or parishes in which the landowners' properties are located. Buffer zone requirements may be waived or modified by the administrative authority for areas of woodwaste/construction/demolition-debris landfills that have been closed in accordance with these regulations and

for existing facilities. Notwithstanding this Paragraph, Type III air curtain destructors and composting facilities that receive putrescible, residential, or commercial waste shall meet the buffer zone requirements in LAC 33:VII.717.B.3. In addition, air curtain destructors shall maintain at least a 1,000-foot buffer from any dwelling other than a dwelling or structure located on the property on which the burning is conducted (unless the appropriate notarized affidavit waivers are obtained).

B.3.b. – E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2527 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2495 (October 2005), LR 33:1065 (June 2007), LR 33:2149 (October 2007), LR 34:613 (April 2008), LR 35:926 (May 2009).

Title 33 ENVIRONMENTAL QUALITY

Chapter 11. Surface Water Quality Standards

Part IX. Water Quality

§1123. Numerical Criteria and Designated Uses

A. - E. ...

Subpart 1. Water Pollution Control

Table 3. Numerical Criteria and Designated Uses									
A-Primary Contact Recreation; B-Secondary Contact Recreation; C-Fish And Wildlife Propagation; L-Limited Aquatic Life and Wildlife Use; D-Drinking Water Supply; E-Oyster Propagation; F-Agriculture; G-Outstanding Natural Resource Waters									
Code	Stream Description	Designated Uses	Numerical Criteria						
			CL	SO ₄	DO	pH	BAC	°C	TDS
Atchafalaya River Basin (01)									
* * *									
[See Prior Text in 010101 – 010901]									
Barataria Basin (02)									
020101	Bayou Verret, Bayou Chevreuil, Bayou Citamon, and Grand Bayou	A B C F	65	50	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	430
020102	Bayou Boeuf, Halpin Canal, and Theriot Canal	A B C F	500	150	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	1,000
020103	Lake Boeuf	A B C	500	150	3.3 April-Sept.; 5.0 Oct.-Mar.	6.0-8.5	1	32	1,000
020201	Bayou Des Allemands–From Lac Des Allemands to old US-90 (Scenic)	A B C G	600	100	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	1,320
020202	Lac Des Allemands	A B C	600	100	3.3 April-Sept.; 5.0 Oct.-Mar.	6.0-8.5	1	32	1,320
020301	Bayou Des Allemands–From US-90 to Lake Salvador (Scenic)	A B C G	600	100	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	1,320
020302	Bayou Gauche	A B C	600	100	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	1,320
020303	Lake Cataouatche and Tributaries	A B C	500	150	3.3 April-Sept.; 5.0 Oct.-Mar.	6.0-8.5	1	32	1,000
020303-001	Luling Wetland–Forested wetland located 1.8 miles south of US-90 at Luling, east of the Luling wastewater treatment pond, bordered by Cousin Canal to the west and Louisiana Cypress Lumber Canal to the south	B C	[23]	[23]	[23]	[23]	2	[23]	[23]
020304	Lake Salvador	A B C	600	100	3.3 April-Sept.; 5.0 Oct.-Mar.	6.0-8.5	1	32	1,320
020401	Bayou Lafourche–From Donaldsonville to ICWW at Larose	A B C D	70	55	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	500
020402	Bayou Lafourche–From ICWW at Larose to Yankee Canal (Estuarine)	A B C	N/A	N/A	3.8 April-Aug.; 5.0 Sept.-Mar.	6.5-9.0	1	32	N/A
020403	Bayou Lafourche–From Yankee Canal and saltwater barrier to Gulf of Mexico (Estuarine)	A B C E	N/A	N/A	3.8 April-Aug.; 5.0 Sept.-Mar.	6.5-9.0	4	32	N/A
020501	Sauls, Avondale, and Main Canals	A B C	65	50	5.0	6.0-8.5	1	32	430
020601	Intracoastal Waterway–From Bayou Villars to Mississippi River (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A
020701	Bayou Segnette–From headwaters to Bayou Villars	A B C	600	100	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	1,320
020801	Intracoastal Waterway–From Larose to Bayou Villars and Bayou Barataria (Estuarine)	A B C	N/A	N/A	3.8 June-Aug.; 4.0 Sept.-May	6.5-9.0	1	35	N/A
Barataria Basin (02)									
020802	Bayou Barataria and Barataria Waterway–From ICWW to Bayou Rigolettes (Estuarine)	A B C	N/A	N/A	3.8 June-Aug.; 4.0 Sept.-May	6.5-9.0	1	35	N/A
020901	Bayou Rigolettes and Bayou Perot to Little Lake (Estuarine)	A B C E	N/A	N/A	3.8 April-Aug.; 5.0 Sept.-Mar.	6.5-9.0	4	35	N/A
020902	Little Lake (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
020903	Barataria Waterway (Estuarine)	A B C	N/A	N/A	3.8 June-Aug.; 4.0 Sept.-May	6.5-9.0	1	35	N/A
020904	Wilkinson Canal and Wilkinson Bayou (Estuarine)	A B C E	N/A	N/A	3.8 April-Aug.; 5.0 Sept.-Mar.	6.5-9.0	4	35	N/A
020905	Bayou Moreau (Estuarine)	A B C E	N/A	N/A	3.8 June-Aug.; 4.0 Sept.-May	6.5-9.0	4	35	N/A

Title 33, Part IX

Table 3. Numerical Criteria and Designated Uses									
A-Primary Contact Recreation; B-Secondary Contact Recreation; C-Fish And Wildlife Propagation; L-Limited Aquatic Life and Wildlife Use; D-Drinking Water Supply; E-Oyster Propagation; F-Agriculture; G-Outstanding Natural Resource Waters									
Code	Stream Description	Designated Uses	Numerical Criteria						
			CL	SO ₄	DO	pH	BAC	°C	TDS
020906	Bay Rambo (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
020907	Bay Sansbois, Lake Judge Perez, and Bay De La Cheniere (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
021001	Lake Washington, Bastian Bay, Adams Bay, Scofield Bay, Coquette Bay, Tambour Bay, Spanish Pass, and Bay Jacques (Estuarine)	A B C E	N/A	N/A	4.0	6.5-8.5	4	35	N/A
021101	Barataria Bay; includes Caminada Bay, Hackberry Bay, Bay Batiste, and Bay Long (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
021102	Barataria Basin Coastal Bays and Gulf Waters to the State 3-mile limit	A B C E	N/A	N/A	5.0	6.5-9.0	4	32	N/A
Calcasieu River Basin (03)									

[See Prior Text in 030101 – 110701]									
Terrebonne Basin (12)									
120102	Bayou Poydras—From headwaters to Bayou Choctaw	A B C	250	75	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	500
120103	Bayou Choctaw—From Bayou Poydras to Bayou Grosse Tete	A B C	250	75	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	500
120104	Bayou Grosse Tete—From headwaters to ICWW near Wilbert Canal	A B C	25	25	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	200
120105	Chamberlin Canal—From Chamberlin to Bayou Choctaw	A B C	250	75	5.0	6.0-8.5	1	32	500
120106	Bayou Plaquemine—From Plaquemine Lock to ICWW	A B C	250	75	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	500
120107	Upper Grand River and Lower Flat River—From headwaters to ICWW	A B C	250	75	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	500
120108	False River	A B C	25	25	3.3 April-Sept.; 5.0 Oct.-Mar.	6.0-8.5	1	32	200
120109	Intracoastal Waterway—From Port Allen Locks to Bayou Sorrel Locks	A B C D	60	40	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	300
120110	Bayou Cholpe—From headwaters to Bayou Choctaw	A B C	25	25	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	200
120111	Bayou Maringouin—From headwaters to East Atchafalaya Basin Levee	A B C	25	25	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	200
120201	Lower Grand River and Belle River—From Bayou Sorrel Lock to Lake Palourde; includes Bay Natchez, Lake Natchez, Bayou Milhomme, and Bayou Long	A B C	60	40	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	300
120202	Bayou Black—From ICWW to Houma	A B C D	85	40	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	500
120203	Bayou Boeuf—From Lake Palourde to ICWW	A B C D	250	75	5.0	6.0-8.5	1	32	500
120204	Lake Verret and Grassy Lake	A B C	100	75	3.3 April-Sept.; 5.0 Oct.-Mar.	6.0-8.5	1	32	350
120205	Lake Palourde	A B C D	100	75	3.3 April-Sept.; 5.0 Oct.-Mar.	6.0-8.5	1	32	350
120206	Grand Bayou and Little Grand Bayou—From headwaters to Lake Verret	A B C	60	40	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	300
120207	Thibodaux Swamp—Forested wetland located in Lafourche and Terrebonne Parishes, 6.2 miles southwest of Thibodaux, east of Terrebonne-Lafourche Drainage Canal, and north of Southern Pacific Railroad; also called Pointe Au Chene Swamp	B C	[5]	[5]	[5]	[5]	2	[5]	[5]
120208	Bayou Ramos Swamp Wetland—Forested wetland located 1.25 miles north of Amelia in St. Mary Parish, south of Lake Palourde	B C	[18]	[18]	[18]	[18]	2	[18]	[18]
120301	Bayou Terrebonne—From Thibodaux to ICWW in Houma	A B C	540	90	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	1,350
120302	Bayou Folse—From headwaters to Company Canal	A B C D F	500	150	5.0	6.5-9.0	1	32	1,000

Table 3. Numerical Criteria and Designated Uses

A-Primary Contact Recreation; B-Secondary Contact Recreation; C-Fish And Wildlife Propagation; L-Limited Aquatic Life and Wildlife Use; D-Drinking Water Supply; E-Oyster Propagation; F-Agriculture; G-Outstanding Natural Resource Waters									
Code	Stream Description	Designated Uses	Numerical Criteria						
			CL	SO ₄	DO	pH	BAC	°C	TDS
120303	Bayou L'eau Bleu--From Company Canal to ICWW	A B C	500	150	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.5-9.0	1	32	1,000
120304	Intracoastal Waterway--From Houma to Larose	A B C D F	250	75	3.8 June-Aug.; 4.0 Sept.-May	6.5-9.0	1	32	500
120401	Bayou Penchant--From Bayou Chene to Lake Penchant	A B C G	500	150	5.0	6.5-9.0	1	32	1,000
120402	Bayou Chene--From ICWW to Bayou Penchant	A B C	250	75	3.8 April-Aug.; 5.0 Sept.-Mar.	6.5-8.0	1	32	500
120403	Intracoastal Waterway--From Bayou Boeuf Locks to Bayou Black in Houma; includes segments of Bayous Boeuf, Black, and Chene	A B C D F	250	75	3.8 June-Aug.; 4.0 Sept.-May	6.5-8.5	1	32	500
120404	Lake Penchant	A B C	500	150	5.0	6.5-9.0	1	32	1,000
120405	Lake Hache and Lake Theriot	A B C	500	150	5.0	6.0-8.5	1	32	1,000
120406	Lake de Cade	A B C E	N/A	N/A	5.0	6.0-9.0	4	35	N/A
120501	Bayou Grand Caillou--From Houma to Bayou Pelton	A B C	500	150	3.8 April-Aug.; 5.0 Sept.-Mar.	6.0-8.5	1	32	1,000
120502	Bayou Grand Caillou--From Bayou Pelton to Houma Navigation Canal (Estuarine)	A B C E	N/A	N/A	3.8 April-Aug.; 5.0 Sept.-Mar.	6.5-9.0	4	35	N/A
120503	Bayou Petit Caillou--From Bayou Terrebonne to LA-24 bridge	A B C E	500	150	3.8 April-Aug.; 5.0 Sept.-Mar.	6.0-9.0	4	32	1,000
120504	Bayou Petit Caillou--From LA-24 bridge to Boudreaux Canal (Estuarine)	A B C E	N/A	N/A	3.8 April-Aug.; 5.0 Sept.-Mar.	6.0-9.0	4	32	N/A
120505	Bayou Du Large--From Houma to Marmande Canal	A B C	500	150	3.8 April-Aug.; 5.0 Sept.-Mar.	6.5-9.0	1	32	1,000
120506	Bayou Du Large--From Marmande Canal to 1/2 mile north of St. Andrews Mission (Estuarine)	A B C E	N/A	N/A	3.8 April-Aug.; 5.0 Sept.-Mar.	6.0-9.0	4	35	N/A
120507	Bayou Chauvin--From Ashland Canal to Lake Boudreaux (Estuarine)	A B C	N/A	N/A	3.8 June-Aug.; 4.0 Sept.-May	6.5-9.0	1	32	N/A
120508	Houma Navigation Canal--From Bayou Pelton to 1 mile south of Bayou Grand Caillou (Estuarine)	A B C E	N/A	N/A	3.8 June-Aug.; 4.0 Sept.-May	6.5-9.0	4	35	N/A
120509	Houma Navigation Canal--From Houma to Bayou Pelton	A B C D	500	150	3.8 June-Aug.; 4.0 Sept.-May	6.0-8.5	1	32	1,000
120601	Bayou Terrebonne--From Houma to Company Canal (Estuarine)	A B C	445	105	3.8 April-Aug.; 5.0 Sept.-Mar.	6.0-9.0	1	32	1,230
120602	Bayou Terrebonne--From Company Canal to Humble Canal (Estuarine)	A B C E	5,055	775	3.8 April-Aug.; 5.0 Sept.-Mar.	6.5-9.0	4	32	10,000
120603	Company Canal--From ICWW to Bayou Terrebonne	A B C	500	150	3.8 June-Aug.; 4.0 Sept.-May	6.5-9.0	1	32	1,000
120604	Bayou Blue--From ICWW to Grand Bayou Canal	A B C	445	105	3.8 April-Aug.; 5.0 Sept.-Mar.	6.5-9.0	1	32	1,000
120605	Bayou Pointe Au Chien--From headwaters to St. Louis Canal	A B C	445	105	3.8 April-Aug.; 5.0 Sept.-Mar.	6.5-9.0	1	32	1,000
120606	Bayou Blue--From Grand Bayou Canal to Bully Camp Canal (Estuarine)	A B C	5,055	775	3.8 April-Aug.; 5.0 Sept.-Mar.	6.5-9.0	1	32	10,000
120701	Bayou Grand Caillou--From Houma Navigation Canal to Caillou Bay (Estuarine)	A B C E	N/A	N/A	3.8 April-Aug.; 5.0 Sept.-Mar.	6.5-9.0	4	35	N/A
120702	Bayou Petit Caillou--From Boudreaux Canal to Houma Navigation Canal (Estuarine)	A B C E	N/A	N/A	3.8 April-Aug.; 5.0 Sept.-Mar.	6.0-9.0	4	32	N/A
120703	Bayou Du Large--From 1/2 mile north of St. Andrews Mission to Caillou Bay (Estuarine)	A B C E	N/A	N/A	3.8 April-Aug.; 5.0 Sept.-Mar.	6.0-9.0	4	35	N/A
120704	Bayou Terrebonne--From Humble Canal to Lake Barre (Estuarine)	A B C E	N/A	N/A	3.8 April-Aug.; 5.0 Sept.-Mar.	6.5-9.0	4	35	N/A
120705	Houma Navigation Canal--From 1/2 mile south of Bayou Grand Caillou to Terrebonne Bay (Estuarine)	A B C E	N/A	N/A	3.8 June-Aug.; 4.0 Sept.-May	6.5-9.0	4	35	N/A
120706	Bayou Blue--From Bully Camp Canal to Lake Raccourci (Estuarine)	A B C E	N/A	N/A	3.8 June-Aug.; 4.0 Sept.-May	6.5-9.0	4	35	N/A
120707	Lake Boudreaux	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
120708	Lost Lake and Four League Bay	A B C E	N/A	N/A	5.0	6.0-9.0	4	35	N/A

Table 3. Numerical Criteria and Designated Uses									
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Code	Stream Description	Designated Uses	Numerical Criteria						
			CL	SO ₄	DO	pH	BAC	°C	TDS
120709	Bayou Petite Caillou-From Houma Navigation Canal to Terrebonne Bay	A B C E	N/A	N/A	3.8 June-Aug.; 4.0 Sept.-May	6.0-9.0	4	32	N/A
120801	Caillou Bay	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
120802	Terrebonne Bay	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
120803	Timbalier Bay	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
120804	Lake Barre	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
120805	Lake Peltó	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
120806	Terrebonne Basin Coastal Bays and Gulf Waters to the State 3-mile limit	A B C E	N/A	N/A	5.0	6.5-9.0	4	32	N/A

ENDNOTES:

[1] – [24] ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 15:738 (September 1989), amended LR 17:264 (March 1991), LR 20:431 (April 1994), LR 20:883 (August 1994), LR 21:683 (July 1995), LR 22:1130 (November 1996), LR 24:1926 (October 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2405 (December 1999), LR 27:289 (March 2001), LR 28:462 (March 2002), LR 28:1762 (August 2002), LR 29:1814, 1817 (September 2003), LR 30:1474 (July 2004), amended by the Office of Environmental Assessment, LR 30:2468 (November 2004), LR 31:918, 921 (April 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:815, 816, 817 (May 2006), LR 33:832 (May 2007), LR 34:1901 (September 2008), LR 35:446 (March 2009), repromulgated LR 35:655 (April 2009).

Subpart 2. The Louisiana Pollutant Discharge Elimination System (LPDES) Program

Chapter 23. Definitions and General LPDES Program Requirements

§2301. General Conditions

A. – E. ...

F. All references to the *Code of Federal Regulations* (CFR) contained in this Chapter shall refer to those regulations published in the July 1, 2008 CFR, unless otherwise noted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:199 (February 1997), LR 23:722 (June 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1467 (August 1999), LR 26:1609 (August 2000), LR 27:2231 (December 2001), LR 28:996 (May 2002), LR 29:700 (May 2003), repromulgated LR 30:230 (February 2004), LR 30:752 (April 2004), amended by the Office of Environmental Assessment, LR 31:920 (April 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:604 (April 2006), LR 33:641 (April 2007),

LR 33:2365 (November 2007), LR 34:867 (May 2008), LR 35:1110 (June 2009).

Chapter 25. Permit Application and Special LPDES Program Requirements

§2501. Application for a Permit

A. – I.1.i. ...

j. a nutrient management plan that at a minimum satisfies the requirements specified in LAC 33:IX.2703.E, including, for all CAFOs subject to 40 CFR Part 412, Subpart C or Subpart D, the requirements of 40 CFR 412.4(c), as applicable.

I.2. – R.5.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:723 (June 1997), amended by the Office of the Secretary, LR 25:661 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2552 (November 2000), LR 26:2756 (December 2000), LR 27:45 (January 2001), LR 28:465 (March 2002), LR 28:1766 (August 2002), LR 29:1462 (August 2003), repromulgated LR 30:229 (February 2004), amended by the Office of Environmental Assessment, LR 30:2028 (September 2004), LR 31:425 (February 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2509 (October 2005), LR 32:819 (May 2006), LR 33:2069, 2165 (October 2007), LR 33:2360 (November 2007), LR 35:648 (April 2009).

§2505. Concentrated Animal Feeding Operations

A. Permit Requirement for CAFOs. *Concentrated animal feeding operations*, as defined in Subsection B of this Section or designated in accordance with Subsection C of this Section, are point sources, subject to LPDES permitting requirements as provided in this Chapter. Once an animal feeding operation is defined as a CAFO for at least one type of animal, the LPDES requirements for CAFOs apply with respect to all animals in confinement at the operation and all manure, litter, and process wastewater generated by those animals or the production of those animals, regardless of the type of animal.

B. – C.3.b. ...

D. Who must seek coverage under an LPDES permit?

1. The owner or operator of a CAFO must seek coverage under an LPDES permit if the CAFO discharges or proposes to discharge a regulated wastewater. A CAFO proposes to discharge if it is designed, constructed, operated, or maintained such that a discharge of regulated wastewater will occur. Specifically, the CAFO owner or operator must either apply for an individual LPDES permit or submit a notice of intent for coverage under an LPDES general permit. If the state administrative authority has not made a general permit available to the CAFO, the CAFO owner or operator must submit an application for an individual permit to the state administrative authority.

2. Information to Submit with Permit Application or Notice of Intent. An application for an individual permit must include the information specified in LAC 33:IX.2501. A notice of intent for a general permit must include the information specified in LAC 33:IX.2501 and 2515.

E. Land application discharges from a CAFO are subject to LPDES requirements. The discharge of manure, litter, or process wastewater to waters of the state from a CAFO as a result of the application of that manure, litter, or process wastewater by the CAFO to land areas under its control is a discharge from that CAFO subject to LPDES permit requirements, except where it is an agricultural storm water discharge as provided in 33 U.S.C. 1362(14). For purposes of this Subsection, where the manure, litter, or process wastewater has been applied in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter, or process wastewater, as specified under LAC 33:IX.2703.E.1.f-i, a precipitation-related discharge of manure, litter, or process wastewater from land areas under the control of a CAFO is an agricultural storm water discharge.

1. For unpermitted Large CAFOs, a precipitation-related discharge of manure, litter, or process wastewater from land areas under the control of a CAFO shall be considered an agricultural storm water discharge only where the manure, litter, or process wastewater has been land applied in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter, or process wastewater, as specified in LAC 33:IX.2703.E.1.f-i.

2. Unpermitted Large CAFOs must maintain documentation specified in LAC 33:IX.2703.E.1.i either on site or at a nearby office, or otherwise make such documentation readily available to the state administrative authority upon request.

F. When must the owner or operator of a CAFO seek coverage under an LPDES permit? Any CAFO that is required to seek permit coverage under Paragraph D.1 of this Section must seek coverage when the CAFO proposes to discharge, unless a later deadline is specified as follows.

1. Operations Defined as CAFOs Prior to April 14, 2003. For operations defined as CAFOs under regulations

that were in effect prior to April 14, 2003, the owner or operator must have or seek to obtain coverage under an LPDES permit as of April 14, 2003, and comply with all applicable LPDES requirements, including the duty to maintain permit coverage in accordance with Subsection G of this Section.

2. Operations Defined as CAFOs as of April 14, 2003, That Were Not Defined as CAFOs Prior to That Date. For all operations defined as CAFOs as of April 14, 2003, that were not defined as CAFOs prior to that date, the owner or operator of the CAFO must seek to obtain coverage under an LPDES permit by February 27, 2009.

3. Operations That Become Defined as CAFOs After April 14, 2003, but Which Are Not New Sources. For a newly-constructed CAFO or AFO that makes changes to its operations that result in its becoming defined as a CAFO for the first time after April 14, 2003, but that is not a new source, the owner or operator must seek to obtain coverage under an LPDES permit, as follows:

a. for newly-constructed operations not subject to effluent limitations guidelines, within 180 days prior to the time the CAFO commences operation;

b. for other operations (e.g., resulting from an increase in the number of animals), as soon as possible, but no later than 90 days after becoming defined as a CAFO; or

c. if an operational change that makes the operation a CAFO would not have made it a CAFO prior to April 14, 2003, the operation has until February 27, 2009, or 90 days after becoming defined as a CAFO, whichever is later, to seek coverage under an LPDES permit.

4. New Sources. The owner or operator of a new source must seek to obtain coverage under an LPDES permit at least 180 days prior to the time that the CAFO commences operation.

5. Operations That Are Designated as CAFOs. For operations designated as a CAFO in accordance with Subsection C of this Section, the owner or operator must seek to obtain coverage under an LPDES permit no later than 90 days after receiving notice of the designation.

G. Duty to Maintain Permit Coverage. No later than 180 days before the expiration of the permit, or as provided by the state administrative authority, any permitted CAFO must submit an application to renew its permit, in accordance with LAC 33:IX.2501.D, unless the CAFO will not discharge or propose to discharge upon expiration of the permit.

H. Procedures for CAFOs Seeking Coverage Under a General Permit

1. CAFO owners or operators must submit a notice of intent when seeking authorization to discharge under a general permit in accordance with LAC 33:IX.2515.B. The state administrative authority must review notices of intent submitted by CAFO owners or operators to ensure that the notice of intent includes the information required by LAC 33:IX.2501.I.1, including a nutrient management plan

that meets the requirements of LAC 33:IX.2703.E and applicable effluent limitations and standards, including those specified in 40 CFR Part 412. When additional information is necessary to complete the notice of intent or clarify, modify, or supplement previously submitted material, the state administrative authority may request such information from the owner or operator. If the state administrative authority makes a preliminary determination that the notice of intent meets the requirements of LAC 33:IX.2501.I.1 and 2703.E, the state administrative authority must notify the public of the state administrative authority's proposal to grant coverage under the permit to the CAFO and make available for public review and comment the notice of intent submitted by the CAFO, including the CAFO's nutrient management plan, and the draft terms of the nutrient management plan that will be incorporated into the permit. The process for submitting public comments and hearing requests, and the hearing process if a request for a hearing is granted, must follow the procedures applicable to draft permits set forth in LAC 33:IX.3115, 3117, and 3119. The state administrative authority may establish, either by regulation or in the general permit, an appropriate period of time for the public to comment and/or request a hearing that differs from the time period specified in LAC 33:IX.3113. The state administrative authority must respond to significant comments received during the comment period, as provided in LAC 33:IX.3125, and, if necessary, require the CAFO owner or operator to revise the nutrient management plan in order to be granted permit coverage. When the state administrative authority authorizes coverage for the CAFO owner or operator under the general permit, the terms of the nutrient management plan shall become incorporated as terms and conditions of the permit for the CAFO. The state administrative authority shall notify the CAFO owner or operator and inform the public that coverage has been authorized and of the terms of the nutrient management plan incorporated as terms and conditions of the permit applicable to the CAFO.

2. Nothing in this Subsection shall affect the authority of the state administrative authority to require an individual permit under LAC 33:IX.2515.B.3.

I. No Discharge Certification Option

1. The owner or operator of a CAFO that meets the eligibility criteria in Paragraph I.2 of this Section may certify to the state administrative authority that the CAFO does not discharge or propose to discharge. A CAFO owner or operator who certifies that the CAFO does not discharge, or propose to discharge, manure, litter, or process wastewater is not required to seek coverage under an LPDES permit pursuant to Paragraph D.1 of this Section, provided that the CAFO is designed, constructed, operated, and maintained in accordance with the requirements of Paragraphs I.2 and 3 of this Section, and subject to the limitations in Paragraph I.4 of this Section.

2. Eligibility Criteria. In order to certify that a CAFO does not discharge or propose to discharge, the owner or operator of a CAFO must document, based on an objective

assessment of the conditions at the CAFO, that the CAFO is designed, constructed, operated, and maintained in a manner such that the CAFO will not discharge, as follows:

a. the CAFO's production area is designed, constructed, operated, and maintained so as not to discharge. The CAFO must maintain documentation that demonstrates that:

i. any open manure storage structures are designed, constructed, operated, and maintained to achieve no discharge based on a technical evaluation in accordance with the elements of the technical evaluation set forth in 40 CFR 412.46(a)(1)(i) - (viii);

ii. any part of the CAFO's production area that is not addressed by Clause I.2.a.i of this Section is designed, constructed, operated, and maintained such that there will be no discharge of manure, litter, or process wastewater; and

iii. the CAFO implements the additional measures set forth in 40 CFR 412.37(a) and (b);

b. the CAFO has developed and is implementing an up-to-date nutrient management plan to ensure no discharge from the CAFO, including from all land application areas under the control of the CAFO, that addresses, at a minimum, the following:

i. the elements of LAC 33:IX.2703.E.1.a - i and 40 CFR 412.37(c); and

ii. all site-specific operation and maintenance practices necessary to ensure no discharge, including any practices or conditions established by a technical evaluation pursuant to Clause I.2.a.i of this Section; and

c. the CAFO will maintain documentation required by this Paragraph either on site or at a nearby office, or otherwise make such documentation readily available to the state administrative authority upon request.

3. Submission to the State Administrative Authority. In order to certify that a CAFO does not discharge or propose to discharge, the CAFO owner or operator must complete and submit to the state administrative authority, by certified mail or an equivalent method of documentation, a certification that includes, at a minimum, the following information:

a. the legal name, address, and phone number of the CAFO owner or operator (see LAC 33:IX.2501.B);

b. the CAFO name and address, the county name, and the latitude and longitude where the CAFO is located;

c. a statement that describes the basis for the CAFO's certification that it satisfies the eligibility requirements identified in Paragraph I.2 of this Section; and

d. the following certification statement, signed in accordance with the signatory requirements of LAC 33:IX.2503:

"I certify under penalty of law that I am the owner or operator of a concentrated animal feeding operation

(CAFO), identified as [Name of CAFO], and that said CAFO meets the requirements of LAC 33:IX.2505.I. I have read and understand the eligibility requirements of LAC 33:IX.2505.I.2 for certifying that a CAFO does not discharge or propose to discharge and further certify that this CAFO satisfies the eligibility requirements. As part of this certification, I am including the information required by LAC 33:IX.2505.I.3. I also understand the conditions set forth in LAC 33:IX.2505.I.4, 5, and 6 regarding loss and withdrawal of certification. I certify under penalty of law that this document and all other documents required for this certification were prepared under my direction or supervision and that qualified personnel properly gathered and evaluated the information submitted. Based upon my inquiry of the person or persons directly involved in gathering and evaluating the information, the information submitted is to the best of my knowledge and belief true, accurate and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

4. **Term of Certification.** A certification that meets the requirements of Paragraphs I.2 and 3 of this Section shall become effective on the date it is submitted, unless the state administrative authority establishes an effective date of up to 30 days after the date of submission. Certification will remain in effect for five years or until the certification is no longer valid or is withdrawn, whichever occurs first. A certification is no longer valid when a discharge has occurred or when the CAFO ceases to meet the eligibility criteria in Paragraph I.2 of this Section.

5. Withdrawal of Certification

a. At any time, a CAFO may withdraw its certification by notifying the state administrative authority by certified mail or an equivalent method of documentation. A certification is withdrawn on the date the notification is submitted to the state administrative authority. The CAFO does not need to specify any reason for the withdrawal in its notification to the state administrative authority.

b. If a certification becomes invalid in accordance with Paragraph I.4 of this Section, the CAFO must withdraw its certification within three days of the date on which the CAFO becomes aware that the certification is invalid. Once a CAFO's certification is no longer valid, the CAFO is subject to the requirement in Paragraph D.1 of this Section to seek permit coverage if it discharges or proposes to discharge.

6. Recertification

a. A previously-certified CAFO that does not discharge or propose to discharge may recertify in accordance with this Subsection, except that where the CAFO has discharged, the CAFO may only recertify if the following additional conditions are met:

- i. the CAFO had a valid certification at the time of the discharge;
- ii. the owner or operator satisfies the eligibility criteria of Paragraph I.2 of the Section, including any necessary modifications to the CAFO's design, construction, operation, and/or maintenance to permanently address the cause of the discharge and ensure that no discharge from this cause occurs in the future;
- iii. the CAFO has not previously recertified after a discharge from the same cause; and
- iv. the owner or operator submits to the state administrative authority for review a description of the discharge, including the date, time, cause, duration, and approximate volume of the discharge, and a detailed explanation of the steps taken by the CAFO to permanently address the cause of the discharge, in addition to submitting a certification in accordance with Paragraph I.3 of this Section.

b. Notwithstanding Paragraph I.4 of this Section, a recertification that meets the requirements of Clauses I.6.a.iii and iv of this Section shall only become effective 30 days from the date of submission of the recertification documentation.

J. Effect of Certification

1. An unpermitted CAFO certified in accordance with Subsection I of this Section is presumed not to propose to discharge. If such a CAFO does discharge, it is not in violation of the requirement that CAFOs that propose to discharge seek permit coverage pursuant to Paragraph D.1 and Subsection F of this Section, with respect to that discharge. In all instances, the discharge of a pollutant without a permit is a violation of the Clean Water Act Section 301(a) prohibition against unauthorized discharges from point sources.

2. In any enforcement proceeding for failure to seek permit coverage under Paragraph D.1 or Subsection F of this Section that is related to a discharge from an unpermitted CAFO, the burden is on the CAFO to establish that it did not propose to discharge prior to the discharge when the CAFO either did not submit certification documentation as provided in Paragraph I.3 or Clause I.6.a.iv of this Section within at least five years prior to the discharge, or withdrew its certification in accordance with Paragraph I.5 of this Section. Design, construction, operation, and maintenance in accordance with the criteria of Paragraph I.2 of this Section satisfies this burden.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 28:467 (March 2002), LR 29:1463 (August 2003), repromulgated LR 30:230 (February 2004), amended by the Office of Environmental Assessment, LR 31:1577 (July 2005), amended by the Office of the

Secretary, Legal Affairs Division, LR 32:819 (May 2006), LR 33:2360 (November 2007), LR 35:648 (April 2009).

§2515. General Permits

A. – B.2.f. ...

g. A CAFO owner or operator may be authorized to discharge under a general permit only in accordance with the process described in LAC 33:IX.2505.H.

B.3. – C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2276 (October 2000), LR 26:2553 (November 2000), LR 28:468 (March 2002), LR 29:1466 (August 2003), repromulgated LR 30:230 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2511 (October 2005), LR 33:2167 (October 2007), LR 35:651 (April 2009).

Chapter 27. LPDES Permit Conditions

§2703. Additional Conditions Applicable to Specified Categories of LPDES Permits

The following conditions, in addition to those set forth in LAC 33:IX.2701, apply to all LPDES permits within the categories specified below.

A. – D. ...

E. Concentrated Animal Feeding Operations (CAFOs). Any permit issued to a CAFO must include the requirements in Paragraphs E.1-6 of this Section.

1. Requirement to Implement a Nutrient Management Plan. Any permit issued to a CAFO must include a requirement to implement a nutrient management plan that, at a minimum, contains best management practices necessary to meet the requirements of this Paragraph and applicable effluent limitations and standards, including those specified in 40 CFR Part 412. The nutrient management plan must, to the extent applicable:

1.a. – 4.f. ...

g. a statement indicating whether the current version of the CAFO's nutrient management plan was developed or approved by a Natural Resource Conservation Service (NRCS) certified nutrient management planner; and

h. the actual crop(s) planted and actual yield(s) for each field; the actual nitrogen and phosphorus content of the manure, litter, and process wastewater; the results of calculations conducted in accordance with Clauses E.5.a.ii and 5.b.iv of this Section; and the amount of manure, litter, and process wastewater applied to each field during the previous 12 months, and, for any CAFO that implements a nutrient management plan that addresses rates of application in accordance with Subparagraph E.5.b of this Section, the results of any soil testing for nitrogen and phosphorus taken

during the preceding 12 months, the data used in calculations conducted in accordance with Clause E.5.b.iv of this Section, and the amount of any supplemental fertilizer applied during the previous 12 months.

5. Terms of the Nutrient Management Plan. Any permit issued to a CAFO must require compliance with the terms of the CAFO's site-specific nutrient management plan. The terms of the nutrient management plan are the information, protocols, best management practices, and other conditions in the nutrient management plan determined by the state administrative authority to be necessary to meet the requirements of Paragraph E.1 of this Section. The terms of the nutrient management plan, with respect to protocols for land application of manure, litter, or process wastewater required by Subparagraph E.1.h of this Section and, as applicable, 40 CFR 412.4(c), must include the fields available for land application; field-specific rates of application properly developed, as specified in Subparagraphs E.5.a and b of this Section, to ensure appropriate agricultural utilization of the nutrients in the manure, litter, or process wastewater; and any timing limitations identified in the nutrient management plan concerning land application on the fields available for land application. The terms must address rates of application using one of the following two approaches, unless the state administrative authority specifies a particular one of the approaches that shall be used.

a. Linear Approach. A linear approach is an approach that expresses rates of application as pounds of nitrogen and phosphorus, according to the following specifications.

i. The terms must include maximum application rates from manure, litter, and process wastewater for each year of permit coverage, for each crop identified in the nutrient management plan, in chemical forms determined to be acceptable to the state administrative authority, in pounds per acre, per year, for each field to be used for land application, and certain factors necessary to determine such rates. At a minimum, the factors used in the terms must include: the outcome of the field-specific assessment of the potential for nitrogen and phosphorus transport from each field; the crops to be planted in each field or any other uses of a field, such as a pasture or fallow field; the realistic yield goal for each crop or use identified for each field; the nitrogen and phosphorus recommendations from sources specified by the state administrative authority for each crop or use identified for each field; credits for all nitrogen in the field that will be plant-available; consideration of multi-year phosphorus application; and accounting for all other additions of plant-available nitrogen and phosphorus to the field. In addition, the terms must include the form and source of manure, litter, and process wastewater to be land-applied; the timing and method of land application; and the methodology by which the nutrient management plan accounts for the amount of nitrogen and phosphorus in the manure, litter, and process wastewater to be applied.

ii. Large CAFOs that use this approach must calculate the maximum amount of manure, litter, and process wastewater to be land applied at least once each year using the results of the most recent representative manure, litter, and process wastewater tests for nitrogen and phosphorus taken within 12 months of the date of land application.

b. Narrative Rate Approach. A narrative rate approach is an approach that expresses rates of application as a narrative rate of application that results in the amount, in tons or gallons, of manure, litter, and process wastewater to be land applied, according to the following specifications.

i. The terms must include maximum amounts of nitrogen and phosphorus derived from all sources of nutrients, for each crop identified in the nutrient management plan, in chemical forms determined to be acceptable to the state administrative authority, in pounds per acre, for each field, and certain factors necessary to determine such amounts. At a minimum, the factors used in the terms must include: the outcome of the field-specific assessment of the potential for nitrogen and phosphorus transport from each field; the crops to be planted in each field or any other uses, such as pasture or fallow fields (including alternative crops identified in accordance with Clause E.5.b.ii of this Section); the realistic yield goal for each crop or use identified for each field; and the nitrogen and phosphorus recommendations from sources specified by the state administrative authority for each crop or use identified for each field. In addition, the terms must include the methodology by which the nutrient management plan accounts for the following factors when calculating the amounts of manure, litter, and process wastewater to be land applied: results of soil tests conducted in accordance with protocols identified in the nutrient management plan, as required by Subparagraph E.1.g of this Section; credits for all nitrogen in the field that will be plant-available; the amount of nitrogen and phosphorus in the manure, litter, and process wastewater to be applied; consideration of multi-year phosphorus application; accounting for all other additions of plant-available nitrogen and phosphorus to the field; the form and source of manure, litter, and process wastewater; the timing and method of land application; and volatilization of nitrogen and mineralization of organic nitrogen.

ii. The terms of the nutrient management plan may include alternative crops identified in the CAFO's nutrient management plan that are not in the planned crop rotation. Where a CAFO includes alternative crops in its nutrient management plan, the crops must be listed by field, in addition to the crops identified in the planned crop rotation for that field, and the nutrient management plan must include realistic crop yield goals and the nitrogen and phosphorus recommendations from sources specified by the state administrative authority for each crop. Maximum amounts of nitrogen and phosphorus from all sources of nutrients and the amounts of manure, litter, and process wastewater to be applied must be determined in accordance with the methodology described in Clause E.5.b.i of this Section.

iii. For CAFOs using this approach, the following projections must be included in the nutrient management plan submitted to the state administrative authority, but are not terms of the nutrient management plan: the CAFO's planned crop rotations for each field for the period of permit coverage; the projected amount of manure, litter, or process wastewater to be applied; projected credits for all nitrogen in the field that will be plant-available; consideration of multi-year phosphorus application; accounting for all other additions of plant-available nitrogen and phosphorus to the field; and the predicted form, source, and method of application of manure, litter, and process wastewater for each crop. Timing of application for each field, insofar as it concerns the calculation of rates of application, is not a term of the nutrient management plan.

iv. CAFOs that use this approach must calculate maximum amounts of manure, litter, and process wastewater to be land applied at least once each year using the methodology required in Clause E.5.b.i of this Section before land applying manure, litter, and process wastewater, and must rely on the following data:

(a). a field-specific determination of soil levels of nitrogen and phosphorus, including, for nitrogen, a concurrent determination of nitrogen that will be plant available consistent with the methodology required by Clause E.5.b.i of this Section, and for phosphorus, the results of the most recent soil test conducted in accordance with soil testing requirements approved by the state administrative authority; and

(b). the results of most recent representative manure, litter, and process wastewater tests for nitrogen and phosphorus taken within 12 months of the date of land application, in order to determine the amount of nitrogen and phosphorus in the manure, litter, and process wastewater to be applied.

6. Changes to a Nutrient Management Plan. Any permit issued to a CAFO must require the following procedures to apply when a CAFO owner or operator makes changes to the CAFO's nutrient management plan that was previously submitted to the state administrative authority.

a. The CAFO owner or operator must provide the state administrative authority with the most current version of the CAFO's nutrient management plan and identify changes from the previous version, except that the results of calculations made in accordance with the requirements of Clauses E.5.a.ii and 5.b.iv of this Section are not subject to the requirements of this Paragraph.

b. The state administrative authority must review the revised nutrient management plan to ensure that it meets the requirements of this Section and applicable effluent limitations and standards, including those specified in 40 CFR Part 412, and must determine whether the changes to the nutrient management plan necessitate revision to the terms of the nutrient management plan incorporated into the permit issued to the CAFO. If revision to the terms of the nutrient management plan is not necessary, the state

administrative authority must notify the CAFO owner or operator, and, upon such notification, the CAFO may implement the revised nutrient management plan. If revision to the terms of the nutrient management plan is necessary, the state administrative authority must determine whether such changes are substantial changes as described in Subparagraph E.6.c of this Section.

i. If the state administrative authority determines that the changes to the terms of the nutrient management plan are not substantial, the state administrative authority must make the revised nutrient management plan publicly available and include it in the permit record, revise the terms of the nutrient management plan incorporated into the permit, and notify the owner or operator and inform the public of any changes to the terms of the nutrient management plan that are incorporated into the permit.

ii. If the state administrative authority determines that the changes to the terms of the nutrient management plan are substantial, the state administrative authority must notify the public and make the proposed changes and the information submitted by the CAFO owner or operator available for public review and comment. The process for public comments and hearing requests, and the hearing process, if a hearing is held, must follow the procedures applicable to draft permits set forth in LAC 33:IX.3115, 3117, and 3119. The state administrative authority may establish, either by regulation or in the CAFO's permit, an appropriate period of time for the public to comment and request a hearing on the proposed changes that differs from the time period specified in LAC 33:IX.3113. The state administrative authority must respond to all significant comments received during the comment period as provided in LAC 33:IX.3125, and require the CAFO owner or operator to further revise the nutrient management plan, if necessary, in order to approve the revision to the terms of the nutrient management plan incorporated into the CAFO's permit. Once the state administrative authority incorporates the revised terms of the nutrient management plan into the permit, the state administrative authority must notify the owner or operator and inform the public of the final decision concerning revisions to the terms and conditions of the permit.

c. Substantial changes to the terms of a nutrient management plan incorporated as terms and conditions of a permit include, but are not limited to:

i. addition of new land application areas not previously included in the CAFO's nutrient management plan, except that if the land application area that is being added to the nutrient management plan is covered by terms of a nutrient management plan incorporated into an existing LPDES permit in accordance with the requirements of Paragraph E.5 of this Section, and the CAFO owner or operator applies manure, litter, or process wastewater on the newly added land application area in accordance with the existing field-specific permit terms applicable to the newly added land application area, such addition of new land would be a change to the CAFO owner or operator's nutrient

management plan, but not a substantial change for purposes of this Section;

ii. any changes to the field-specific maximum annual rates for land application, as set forth in Subparagraph E.5.a of this Section, and to the maximum amounts of nitrogen and phosphorus derived from all sources for each crop, as set forth in Subparagraph E.5.b of this Section;

iii. addition of any crop or other uses not included in the terms of the CAFO's nutrient management plan and corresponding field-specific rates of application expressed in accordance with Paragraph E.5 of this Section; and

iv. changes to site-specific components of the CAFO's nutrient management plan, where such changes are likely to increase the risk of nitrogen and phosphorus transport to waters of the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2554 (November 2000), LR 29:1466 (August 2003), repromulgated LR 30:230 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2512 (October 2005), LR 32:819 (May 2006), LR 33:2168 (October 2007), LR 33:2360 (November 2007), LR 35:651 (April 2009).

Chapter 29. Transfer, Modification, Revocation and Reissuance, and Termination of LPDES Permits

§2903. Modification or Revocation and Reissuance of Permits

A. – A.1.p. ...

q. Nutrient Management Plans. The incorporation of the terms of a CAFO's nutrient management plan into the terms and conditions of a general permit when a CAFO obtains coverage under a general permit in accordance with LAC 33:IX.2505.H and 2515 is not a cause for modification pursuant to the requirements of this Section.

1.r. – 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:724 (June 1997), LR 23:1524 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2283 (October 2000), LR 27:45 (January 2001), LR 28:470 (March 2002), repromulgated LR 30:231 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2431 (October 2005), LR 32:1033 (June 2006), LR 35:653 (April 2009).

§2905. Minor Modifications of Permits

A. – A.6. ...

7. incorporate conditions of a POTW pretreatment program that has been approved in accordance with the procedures in LAC 33:IX.6121 (or a modification thereto that has been approved in accordance with the procedures in LAC 33:IX.6135) as enforceable conditions of the POTW's permit; and

8. incorporate changes to the terms of a CAFO's nutrient management plan that have been revised in accordance with the requirements of LAC 33:IX.2703.E.6.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:46 (January 2001), repromulgated LR 30:231 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2431 (October 2005), LR 35:654 (April 2009).

Chapter 49. Incorporation by Reference

§4901. 40 CFR Part 136

A. 40 CFR Part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants, July 1, 2008, in its entirety, is hereby incorporated by reference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:958 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1467 (August 1999), LR 26:1609 (August 2000), LR 27:2231 (December 2001), LR 28:996 (May 2002), LR 29:700 (May 2003), repromulgated LR 30:232 (February 2004), amended LR 30:752 (April 2004), amended by the Office of Environmental Assessment, LR 31:920 (April 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:604 (April 2006), LR 33:641 (April 2007), LR 34:867 (May 2008), LR 35:1110 (June 2009).

§4903. 40 CFR, Chapter I, Subchapter N

A. 40 CFR Chapter I, Subchapter N, Effluent Guidelines and Standards, Parts 401 and 405-471, July 1, 2008, are hereby incorporated by reference.

B. Amendments as promulgated in the *Federal Register* to 40 CFR 412.37 and 412.46 in 73 FR 70485-70486, November 20, 2008, are hereby incorporated by reference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:958 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1467 (August 1999), LR 26:1609 (August 2000), LR 27:2232 (December 2001), LR 28:996 (May 2002), LR 29:700 (May 2003), LR 29:1467 (August 2003), repromulgated LR 30:232 (February 2004), amended LR 30:752 (April 2004), amended by the Office of Environmental Assessment, LR 31:920 (April 2005), amended by the Office of the Secretary,

Legal Affairs Division LR 32:604 (April 2006), LR 32:819 (May 2006), LR 33:641 (April 2007), LR 34:867 (May 2008), LR 35:654 (April 2009), LR 35:1110 (June 2009).

Subpart 3. Louisiana Sewage Sludge and Biosolids Program

Chapter 73. Standards for the Use or Disposal of Sewage Sludge and Biosolids

Subchapter A. Program Requirements

§7301. General Provisions

A. - A.1.b. ...

i. general requirements and other requirements for bulk biosolids, general management practices and other management practices for bulk biosolids, pollutant limits, pathogen and vector attraction reduction requirements, and operational standards;

ii. sampling and monitoring requirements, recordkeeping and reporting requirements, specific exclusions, and prohibitions and restrictions regarding the use and disposal of sewage sludge and biosolids;

iii. the siting, operation, and financial assurance requirements for commercial preparers of sewage sludge or land appliers of biosolids; and

iv. requirements and standards for transporters and vehicles utilized for the transporting of sewage sludge.

1.c. - 2.b.iii. ...

B. General Definitions. The following terms used in this Chapter shall have the meanings listed below, unless the context clearly indicates otherwise, or the term is specifically redefined in a particular Section.

Commercial Preparer of Sewage Sludge—any person who prepares sewage sludge for monetary profit or other financial consideration and either the person is not the generator of the sewage sludge or the sewage sludge was obtained from a facility or facilities not owned by or associated with the person.

Owner or Operator—the owner or operator of any facility or activity subject to these regulations.

Person—any individual, municipality, public or private corporation, partnership, firm, the United States Government and any agent or subdivision thereof, or any other juridical person, which shall include, but not be limited to, trusts, joint stock companies, associations, the state of Louisiana,

political subdivisions of the state, commissions, and interstate bodies.

Transporter of Sewage Sludge—a person who pumps or moves sewage sludge off-site by means of land-based vehicles, barges, ships, rails, pipelines, or other modes of transportation. For oxidation ponds/lagoons/surface impoundments, this includes the removal of the sewage sludge from the oxidation ponds/lagoons/surface impoundments to the levees surrounding the oxidation ponds/lagoons/surface impoundments.

C. Compliance Period

1. – 3.b.iii. ...

D. Permits and Permitting Requirements

1. Except as exempted in Paragraph D.2 of this Section, no person shall prepare sewage sludge or biosolids, dispose of sewage sludge in a permitted landfill, apply biosolids to the land, or own or operate a sewage sludge incinerator without first obtaining a permit in accordance with the deadlines set forth in Subparagraphs D.1.a-c of this Section. The permit shall identify and regulate the specific use or disposal practice, the storage, the treatment, and the appropriate transportation requirements of sewage sludge described in the permit application.

a. – b.v. ...

c. At least 180 days prior to the expiration of a permit issued under these regulations, the owner/operator of the facility or the land applier shall submit an application for permit issuance under this Chapter if the owner/operator or land applier intends to continue operations after that date.

1.d. – 3.b. ...

4. Closure requirements for sanitary wastewater treatment facilities that were utilized for the preparation of sewage sludge or for sewage sludge disposal ponds/lagoons/surface impoundments that must comply with the requirements of Subparagraph C.3.b of this Section, are as follows.

a. The liquid portion must be removed in a manner that meets the requirements of LAC 33:IX.Chapters 23-71.

b. After removal of the liquid, the sewage sludge shall be used or disposed through one of the options in Clause D.4.b.i or ii of this Section as follows:

i. the submittal of a closure plan to the Office of Environmental Services for the total removal of the sewage sludge and subsequent disposal of the sewage sludge in a permitted landfill. Approval or disapproval of the closure plan shall be rendered by the Office of Environmental Services after receipt and review of the plan. The closure plan shall include the following:

(a). the name, mailing address, physical address, and contact person of the facility that is proposed for closure;

(b). an aerial photograph showing the location of the facility that is proposed for closure;

(c). the approximate amount of sewage sludge that will be removed and disposed at a permitted landfill;

(d). sampling and analysis for the following parameters:

(i). toxicity characteristics leaching procedure (TCLP);

(ii). liquid paint filter test; and

(iii). any other parameter required by the chosen permitted landfill;

(e). either a schematic drawing or an aerial photograph that indicates where the samples for the parameters in Subclause D.4.b.i.(d) of this Section will be taken in the facility;

(f). the laboratory methods to be utilized for the sampling and analysis of the parameters in Subclause D.4.b.i.(d) of this Section;

(g). the name of the laboratory where the samples for the parameters in Subclause D.4.b.i.(d) of this Section will be analyzed;

(h). the name, location, and contact person of the site where the sewage sludge will be disposed; and

(i). any other information the department may require; or

ii. obtaining approval for a permit for the land application of the sewage sludge as a Class B biosolid by submittal of a Sewage Sludge and Biosolids Use or Disposal Permit application to the Office of Environmental Services utilizing the application form that can be accessed on the department's website or by contacting the Office of Environmental Services.

c. Upon completion of the use or disposal option selected in either Clause D.4.b.i or ii of this Section, if the facility is a pond/lagoon/surface impoundment, the levees shall be broken and leveled and the pond/lagoon/surface impoundment shall be filled with soil that includes a minimum of at least 6 inches of topsoil to support vegetative growth.

D.5. – E.2. ...

3. The person who prepares sewage sludge that is disposed in a landfill shall provide the following to the Office of Environmental Services on an annual basis on or before February 19 of each year, or at a frequency designated in the permit:

a. – b. ...

F. Registration Requirements and Standards for Transporters of Sewage Sludge Who Are Not Required to Obtain a Permit Under LAC 33:IX.7301.D.1 and Standards for Vehicles Used in the Transport of Sewage Sludge

1. Registration Requirements

a. A transporter of sewage sludge and/or grease mixed with sewage sludge who is not required to obtain a permit under Paragraph D.1 of this Section shall not transport any sewage sludge and/or grease mixed with sewage sludge without first registering such activity with the Office of Environmental Services in writing and paying all associated fees.

b. Registration shall be through a form obtained from the Office of Environmental Services or through the department's website. All the information required by the form shall be provided. The method of payment of fees shall be in accordance with LAC 33:IX.1309.

c. The registration period shall be for one state fiscal year period of July 1 to June 30. All registrations shall expire on June 30 of each year. If a person wishes to continue the operation of transporting sewage sludge, he or she shall apply for re-registration to the Office of Environmental Services at least 60 days prior to June 30 of each year.

d. The fee for registration shall be an annual fee of \$100.

e. The Office of Environmental Services shall be notified prior to any modification to the information submitted for registration, including, but not limited to, the following:

- i. the removal and/or addition of information about the facility to which the sewage sludge is being transported; and
- ii. the removal and/or addition of a vehicle that will be utilized for the transporting of sewage sludge.

2. Standards for All Transporters of Sewage Sludge

a. All transporters of sewage sludge and/or grease mixed with sewage sludge shall transport the sewage sludge and/or grease mixed with sewage sludge only to a facility permitted to receive sewage sludge or mixtures thereof, and shall maintain a daily log or record of activities containing the following information regarding the sewage sludge and/or grease mixed with sewage sludge:

- i. the date the transported material was obtained, pumped, or removed;
- ii. the origin or source of the material;
- iii. the volume of material generated at each site;
- iv. the transfer and/or disposal site; and
- v. the total amount of material that was transported or disposed.

b. Standards Applicable to Vehicles Used to Transport Sewage Sludge

i. The bodies of vehicles transporting sewage sludge must be covered at all times, except during loading and unloading, in a manner that prevents rain from reaching the sewage sludge, inhibits access by disease vectors, prevents the sewage sludge from falling or blowing from the vehicle, minimizes escape of odors, and does not create a nuisance.

ii. The bodies of vehicles that are utilized to transport liquefied sewage sludge or a sewage sludge that is capable of producing a leachate shall be constructed and/or enclosed with an appropriate material that will completely prevent the leakage or spillage of the liquid.

iii. The exterior and interior of the body of a vehicle that is transporting sewage sludge shall be washed down, at a designated washdown area, as often as needed to ensure against accumulation of sewage sludge or biosolids, and for the prevention of odors and disease vector attraction.

iv. The vehicle washdown area shall be designed, constructed, and operated to prevent groundwater contamination and stormwater run-on and runoff.

v. All water and leachate generated at the designated washdown area shall be contained and discharged in accordance with all applicable state and federal regulations.

c. Standards for Sewage Sludge Pipelines and Containment Areas

i. Transfer points, pumping stations, and other facilities with a potential for spillage shall be located above grade, or in watertight compartments, and shall be in containment areas constructed to hold the maximum potential spill.

ii. Containment areas shall consist of a base and dikes constructed of concrete, compacted clay, or other impervious materials. All joints must be sealed.

d. Other Standards. The administrative authority may provide appropriate standards for transporters of sewage sludge that utilize modes of transportation not covered by Subparagraphs F.2.b and c of this Section.

e. These regulations do not relieve the transporter from the responsibility of complying with other applicable regulations and licensing requirements, including, but not limited to, those of the Louisiana Department of Transportation and Development, and with applicable ordinances governing types, sizes, and weights of vehicles used to transport sewage sludge on roads and streets that must be traveled during the transporting of the sewage sludge and with any other applicable requirements.

G. – I.2.k. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:781 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2516 (October 2005), LR 33:2366 (November 2007), repromulgated LR 34:1028 (June 2008), amended LR 35:927 (May 2009).

§7303. Land Application

A. – D.5.b. ...

i. the information required in Clauses L.1.f.i-ix of this Section, and if the biosolids are compost, the information in Clauses L.1.g.i-vi of this Section; and

D.5.b.ii. – I.2. ...

J. Recordkeeping

1. All *Class I sludge management facilities*, as defined in LAC 33:IX.7301.B, that prepare sewage sludge shall keep a record of the following for a period of five years:

- a. annual production of sewage sludge (i.e., dry tons or dry metric tons);
- b. the sewage sludge management practice used;
- c. sampling results for hazardous characteristics; and
- d. sampling results for PCBs.

2. – 2.e.ii.(b).certification. ...

K. Reporting

1. All *Class I sludge management facilities*, as defined in LAC 33:IX.7301.B, that prepare sewage sludge shall submit the information in Paragraph J.1 of this Section to the administrative authority on or before February 19 of each year.

K.2. – L.1.a. ...

b. the laboratory analysis for percent dry solids, percent ammonia nitrogen, percent nitrate, percent nitrite, percent nitrogen, percent phosphorus, percent potassium, and percent organic matter and, if the sewage sludge or biosolids underwent or were subjected to any type of alkaline stabilization and/or alkaline treatment, the pH of the sewage sludge or biosolids;

c. – d. ...

e. the vector attraction reduction requirement in LAC 33:IX.7309.D.2.a-e that will be utilized;

f. – f.ii. ...

- iii. percent nitrogen;
- iv. percent ammonia nitrogen;
- v. percent phosphorus;
- vi. percent potassium;
- vii. pH;

viii. the concentration of PCBs in mg/kg of total solids (dry wt.); and

ix. application instructions and a statement that application of the biosolids to the land is prohibited except in accordance with the instructions on the label or information sheet; and

g. in addition to the label requirements in Clauses L.1.f.i-ix of this Section, an example of the label that must accompany all compost sold or given away either in bulk or in a bag or other container, having the following information:

- i. soluble salt content;
- ii. water holding capacity;
- iii. bulk density (lbs/yd³);
- iv. particle size;
- v. moisture content; and
- vi. percent organic matter content.

2. – 4. ...

5. For the term of the permit, the preparer of the biosolids shall conduct continued sampling at a frequency of monitoring indicated in Table 1 of LAC 33:IX.7303.L. The samples shall be analyzed for the parameters specified in Subparagraphs L.1.a-c of this Section, and for the pathogen and vector attraction reduction requirements in Subparagraphs L.1.d and e of this Section, as required by LAC 33:IX.7309.

Table 1 of LAC 33:IX.7303.L	
Frequency of Monitoring—Exceptional Quality Biosolids	
Amount of Biosolids ¹ (metric tons per 365-day period)	Frequency
Greater than zero but less than 15,000	Once per quarter (four times per year)
Equal to or greater than 15,000	Once per month (12 times per year)
¹ The amount of biosolids sold or given away either in bulk or in a bag or other container.	

6. – 9.b.certification. ...

10. The person who prepares Exceptional Quality biosolids shall forward the information required in Paragraph L.9 of this Section to the administrative authority as follows.

a. For facilities having a frequency of monitoring in Table 1 of LAC 33:IX.7303.L of once per quarter (four times per year), the reporting periods and the report due dates shall be as specified in Table 2 of LAC 33:IX.7303.L.

Table 2 of LAC 33:IX.7303.L	
Reporting—Exceptional Quality Biosolids	
Monitoring Period ¹ (Once per Quarter)	Report Due Date
January, February, March	August 28
April, May, June	
July, August, September	
October, November, December	February 28
¹ Separate reports must be submitted for each monitoring period.	

b. For facilities having a frequency of monitoring in Table 1 of LAC 33:IX.7303.L of once per month (12 times per year), the reporting periods and the report due dates shall be as specified in Table 3 of LAC 33:IX.7303.L.

Table 3 of LAC 33:IX.7303.L	
Reporting—Exceptional Quality Biosolids	
Monitoring Period ¹ (Once per Month)	Report Due Date
January	May 28
February	
March	
April	August 28
May	
June	
July	November 28
August	
September	
October	February 28
November	
December	
¹ Separate reports must be submitted for each monitoring period.	

M. – N.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:785 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2374 (November 2007), LR 35:929 (May 2009).

§7305. Siting and Operation Requirements for Commercial Preparers of Sewage Sludge

A. – B.2.a.iv. ...

b. Fire Protection and Medical Care. All facilities shall have access to required fire protection and medical care with access gates that are wide enough to allow easy access for emergency vehicles, or such services shall be provided internally.

3. Facility Surface Hydrology

3.a. – 5. ...

6. Notification of Completion. Within 10 days of completion of the facility or completion of a facility modification, the owner of the facility shall submit to the administrative authority:

- a. notification of completion; and

- b. a site inspection request.

C. – C.1.a.i. ...

ii. The facility operations and maintenance manual shall describe, in specific detail, how the sewage sludge and the other feedstock or supplements to be blended, composted, or mixed with the sewage sludge (if applicable) will be managed during all phases of the preparation process and, if applicable, the land application process. At a minimum, the manual shall address the following:

(a). preparation facility site and project description;

(b). regulatory interfaces;

(c). preparation process management plan;

(d). odor management plan;

(e). methods utilized for managing the biological conditions during the composting procedure (i.e., carbon/nitrogen ratio, moisture, O₂ levels, free air space), when composting is utilized as a preparation process;

(f). – (j). ...

(k). monitoring, sampling, recordkeeping, and reporting procedures;

(l). – (m). ...

(n). pollutant reduction plan (for land application of biosolids);

(o). pathogen treatment plan (for land application of biosolids);

(p). vector attraction reduction plan (for land application of biosolids);

(q). site application records (for land application of biosolids);

(r). description of how the land application management practices are met (for land application of biosolids);

(s). description of how the land application site and soil restrictions are met (for land application of biosolids);

(t). operator certification; and

(u). administration of the operations and maintenance manual.

a.iii. – b.vii.(b). ...

viii. Receiving and Monitoring Sewage Sludge, Other Materials, Feedstock, or Supplements Used

(a). Any facility used to prepare sewage sludge shall be equipped with a device or method to determine quantity (by wet-weight tonnage), sources (whether the sewage sludge, other materials, feedstock, or supplements to be mixed with the sewage were generated in-state or out-of-state), and types of other materials, feedstock, or

supplements. The facility shall also be equipped with a device or method to control entry of sewage sludge, other materials, feedstock, or supplements coming on-site and prevent entry of unrecorded or unauthorized deliverables (i.e., hazardous, industrial, unauthorized, or unpermitted solid waste).

(b). Other feedstock and supplements that are blended, composted, or mixed with sewage sludge shall be treated for the effective removal of sharps including, but not limited to, sewing needles, straight pins, hypodermic needles, telephone wires, and metal bracelets.

(c). Any facility used to prepare sewage sludge shall be equipped with a central control and recordkeeping system for tabulating the information required in Subclause C.1.b.viii.(a) of this Section.

ix. Personnel. All facilities shall have the personnel necessary to achieve the operational requirements of the facility.

2. Additional Operational Requirements for Composters

a. The composting procedure shall begin within 24 hours of receipt of the material to be prepared as a compost.

b. Adequate covers shall be provided for windrows during the curing stage to protect the compost from rainwater.

c. Covered areas shall be provided where feedstock is prepared.

d. Any compost made from sewage sludge that cannot be used according to these regulations shall be reprocessed or disposed of in an approved facility.

e. Composted sewage sludge shall be used, sold, or disposed of at a permitted disposal facility within 36 months of completion of the composting process.

f. The final composted product shall be stable and mature. In addition to meeting the applicable time and temperature for pathogen and vector attraction reduction requirements, proof of the stability and maturity of the final composted product shall be provided by utilizing the applicable methods in the source referenced in LAC 33:IX.7301.I.2.j.

3. Facility Closure Requirements

a. – c.i. ...

ii. If contamination exists, in order to satisfy the closure requirements of this Section the permit holder must utilize the Risk Evaluation/Corrective Action Program (RECAP) standards in accordance with LAC 33:I.Chapter 13 to the fullest extent possible. Any residual contamination must meet the RECAP standards approved by the administrative authority, including any residual contamination in the underlying and surrounding soils and/or groundwater. Otherwise, the permit holder shall enter into a cooperative agreement with the administrative authority to perform corrective action (i.e., additional closure activities

including site investigation, remedial investigation, a corrective action study, and/or remedial action).

d. Closure Inspection. After the closure requirements have been met, the permit holder shall file a request for a closure inspection with the Office of Environmental Services.

e. Release of Closure Funds. After the closure inspection and subsequent determination by the administrative authority that a facility has completed closure, the administrative authority shall release the closure fund to the permit holder.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:794 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2516 (October 2005), LR 33:2382 (November 2007), LR 35:930 (May 2009).

§7307. Financial Assurance Requirements for Commercial Preparers of Sewage Sludge and Commercial Land Appliers of Biosolids

A. Purpose and Applicability. The purpose of this Section is to establish the financial assurance (the word *security* may be used interchangeably with *assurance*) requirements for:

1. commercial preparers of sewage sludge for meeting the requirements applicable during operation and closure; and
2. commercial land appliers of biosolids during operation and closure.

B. This Section shall be applicable to the entities listed in Subsection A of this Section when the following actions are taken by the department:

1. issuance of a new permit;
2. renewal of an existing permit;
3. modification of an existing permit; and
4. transfer of an existing permit to a different permittee.

C. Financial assurance mechanisms and instruments shall be submitted as follows.

1. The permit holder must submit to the administrative authority for approval a financial assurance mechanism drafted in accordance with this Section to cover the cost estimate for the closure requirements in LAC 33:IX.7305.C.3. The financial assurance mechanism shall be submitted with the application under separate cover and be approved by the administrative authority as part of the permit issuance process. The financial assurance mechanism must be approved by the administrative authority prior to the permit holder's operating the facility.

2. All instruments used in this Section shall be submitted in the following manner.

a. The instrument shall be addressed to the Office of Environmental Services.

b. The original instrument shall be submitted.

c. The instrument shall be accompanied with a cover letter identifying the facility, agency interest number, and any other identifying information deemed necessary by the administrative authority.

D. Commercial preparers of sewage sludge and commercial land appliers of biosolids, hereinafter referred to in this Section as *affected persons*, have the following liability insurance responsibilities while their facilities are in operation.

1. All affected persons shall maintain liability insurance, or its equivalent, for sudden and accidental occurrences in the amount of \$1 million per occurrence and \$1 million annual aggregate, per site, exclusive of legal defense costs, for claims arising from injury to persons or property, owing to the operation of the site. Commercial preparers of sewage sludge and commercial land appliers of biosolids are exempt from these requirements if the amount of sewage sludge prepared or the amount of biosolids applied to the land is less than 15,000 metric tons per year. Evidence of this coverage shall be updated annually and provided to the Office of Environmental Services. This financial assurance may be established by any one or a combination of the following mechanisms.

a. Insurance. Evidence of liability insurance may consist of either a signed duplicate original of a liability endorsement in favor of the affected person, or a certificate of insurance. The wording of a liability endorsement shall be identical to the wording in LAC 33:IX.7395.Appendix A, except that the instructions in brackets are to be replaced with the relevant information, and the brackets deleted. The wording of a certificate of insurance shall be identical to the wording in LAC 33:IX.7395.Appendix B, except that the instructions in brackets are to be replaced with the relevant information, and the brackets deleted. All liability endorsements and certificates of insurance must include:

i. a statement of coverage relative to environmental risks;

ii. a statement of all exclusions to the policy; and

iii. a certification by the insurer that the insurance afforded with respect to such sudden accidental occurrences is subject to all of the terms and conditions of the policy, provided, however, that any provisions of the policy inconsistent with Subclauses D.1.a.iii.(a)-(f) of this Section are amended to conform with said Subclauses:

(a). bankruptcy or insolvency of the insured shall not relieve the insurer of its obligations under the policy;

(b). the insurer is liable for the payment of amounts within any deductible applicable to the policy, with a right of reimbursement by the insured for any such

payment made by the insurer. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated as specified in Subparagraphs D.1.b-d of this Section;

(c). whenever requested by the administrative authority, the insurer agrees to furnish to the administrative authority a signed duplicate original of the policy and all endorsements;

(d). cancellation of the policy, whether by the insurer or the insured, will be effective only upon written notice and upon lapse of 60 days after a copy of such written notice is received by the Office of Environmental Services;

(e). any other termination of the policy will be effective only upon written notice and upon lapse of 30 days after a copy of such written notice is received by the Office of Environmental Services; and

(f). the insurer is admitted, authorized, or eligible to conduct insurance business in the state of Louisiana.

b. Letter of Credit. An affected person may satisfy the requirements of this Subsection by obtaining an irrevocable letter of credit that conforms to all of the following requirements and submitting the letter to the administrative authority.

i. The issuing institution must be an entity that has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or state agency.

ii. An affected person who uses a letter of credit to satisfy the requirements of this Subsection must also provide to the administrative authority evidence of the establishment of a standby trust fund. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the administrative authority will be deposited by the issuing institution directly into the standby trust fund. The wording of the standby trust fund agreement shall be identical to the wording in LAC 33:IX.7395.Appendix D, except that the instructions in brackets are to be replaced with the relevant information, and the brackets deleted. The trust agreement shall be accompanied by a formal certification of acknowledgement, as in the example in LAC 33:IX.7395.Appendix D.

iii. The letter of credit must be accompanied by a letter from the affected person referring to the letter of credit by number, name of issuing institution, and date, and providing the following information:

(a). the agency interest number;

(b). the site name, if applicable;

(c). the facility name;

(d). the facility permit number; and

(e). the amount of funds assured for liability coverage of the facility by the letter of credit.

iv. The letter of credit must be irrevocable and issued for a period of at least one year unless, at least 120 days before the current expiration date, the issuing institution notifies both the affected person and the administrative authority by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the affected person and the Office of Environmental Services receive the notice, as evidenced by the return receipts.

v. The wording of the letter of credit shall be identical to the wording in LAC 33:IX.7395.Appendix C, except that the instructions in brackets are to be replaced with the relevant information (i.e., type of affected person), and the brackets deleted.

c. Financial Test

i. To meet this test, the affected person or parent corporation (corporate guarantor) of the affected person must submit to the Office of Environmental Services the documents required by Subparagraph E.2.h of this Section demonstrating that the requirements of Subparagraph E.2.h of this Section have been met. Use of the financial test may be disallowed on the basis of the accessibility of the assets of the affected person or parent corporation (corporate guarantor). If the affected person or parent corporation is using the financial test to demonstrate liability coverage and closure, only one letter from the chief financial officer is required.

ii. The assets of the parent corporation of the affected person shall not be used to determine whether the affected person satisfies the financial test, unless the parent corporation has supplied a corporate guarantee as authorized in Subparagraph D.1.d of this Section.

iii. The wording of the financial test shall be as specified in Clause E.2.h.iv of this Section.

d. Corporate Guarantee

i. An affected person may meet the requirements of Paragraph D.1 of this Section for liability coverage by obtaining a written guarantee, hereafter referred to as a *corporate guarantee*. The guarantor must demonstrate to the administrative authority that the guarantor meets the requirements in this Subsection and must comply with the terms of the corporate guarantee. The corporate guarantee must accompany the items sent to the administrative authority specified in Clauses E.2.h.ii and iv of this Section. The terms of the corporate guarantee must be in an authentic act signed and sworn to by an authorized officer of the corporation before a notary public and must provide that:

(a). the guarantor meets or exceeds the financial test criteria and agrees to comply with the reporting requirements for guarantors as specified in Subparagraph E.2.h of this Section;

(b). the guarantor is the parent corporation of the affected person to be covered by the guarantee, and the guarantee extends to certain facilities;

(c). if the affected person fails to satisfy a judgment based on a determination of liability for bodily injury or property damage to third parties caused by sudden and accidental occurrences (or both as the case may be), arising from the operation of facilities covered by the corporate guarantee, or fails to pay an amount agreed to in settlement of the claims arising from or alleged to arise from such injury or damage, the guarantor will do so up to the limits of coverage;

(d). the guarantor agrees that if, at the end of any fiscal year before termination of the guarantee, the guarantor fails to meet the financial test criteria, the guarantor shall send within 90 days, by certified mail, notice to the Office of Environmental Services and to the affected person, that he intends to provide alternative financial assurance as specified in this Subsection, in the name of the affected person, and that within 120 days after the end of said fiscal year the guarantor shall establish such financial assurance, unless the affected person has done so;

(e). the guarantor agrees to notify the Office of Environmental Services by certified mail of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the guarantor as debtor, within 10 days after commencement of the proceeding;

(f). the guarantor agrees that within 30 days after being notified by the administrative authority of a determination that the guarantor no longer meets the financial test criteria or that he or she is disallowed from continuing as a guarantor of closure, he or she shall establish alternate financial assurance as specified in this Subsection in the name of the affected person unless the affected person has done so;

(g). the guarantor agrees to remain bound under the guarantee notwithstanding any or all of the following: amendment or modification of the permit, or any other modification or alteration of an obligation of the affected person in accordance with these regulations;

(h). the guarantor agrees to remain bound under the guarantee for as long as the affected person must comply with the applicable financial assurance requirements of Paragraph E.2 of this Section for the facilities covered by the guarantee, except that the guarantor may cancel this guarantee by sending notice by certified mail to the administrative authority and the affected person. Such a cancellation will become effective no earlier than 90 days after receipt of such notice by both the administrative authority and the affected person, as evidenced by the return receipts;

(i). the guarantor agrees that if the affected person fails to provide alternate financial assurance, as specified in this Subsection, and obtain written approval of such assurance from the administrative authority within 60 days after the administrative authority receives the guarantor's notice of cancellation, the guarantor shall provide such alternate financial assurance in the name of the affected person;

(j). the guarantor expressly waives notice of acceptance of the guarantee by the administrative authority or by the affected person. The guarantor also expressly waives notice of amendments or modifications of the facility permit; and

(k). the wording of the corporate guarantee shall be as specified in Clause E.2.h.ix of this Section.

ii. A corporate guarantee may be used to satisfy the requirements of this Section only if the attorney general(s) or insurance commissioner(s) of the state in which the guarantor is incorporated, and the state in which the facility covered by the guarantee is located, has submitted a written statement to the Office of Environmental Services that a corporate guarantee is a legally valid and enforceable obligation in that state.

2. The use of a particular financial assurance mechanism is subject to the approval of the administrative authority.

3. Affected persons must submit evidence of financial assurance in accordance with this Section at least 60 days before the date on which sewage sludge, other materials, feedstock, or supplements are first received for processing.

E. Financial Assurance for Closure for Commercial Preparers of Sewage Sludge and Commercial Land Appliers of Biosolids

1. Commercial preparers of sewage sludge and commercial land appliers of biosolids, hereinafter referred to in this Section as *affected persons*, shall maintain financial assurance in the amount of \$25,000 per site for closure if the amount of sewage sludge prepared or the amount of biosolids applied to the land is less than 15,000 metric tons per year. Evidence of this coverage shall be updated annually and provided to the Office of Environmental Services. This financial assurance may be established by any one or a combination of the methods in Subparagraph E.2.b of this Section. If these requirements cannot be met, an alternative financial assurance mechanism shall be submitted for review and approval by the administrative authority. Such an alternative financial assurance mechanism shall not result in a value of financial assurance that is less than the amount provided as a written cost estimate for closure of the facility in the permit application.

2. All affected persons not covered in Paragraph E.1 of this Section shall establish and maintain financial assurance for closure in accordance with LAC 33:IX.7305.C.3, and shall submit to the Office of Environmental Services the estimated closure date and the estimated cost of closure in accordance with the following requirements.

a. The affected person must have a written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in these regulations. The estimate must equal the cost of closure at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive, as

indicated by the closure plan, and shall be based on the cost of hiring a third party to close the facility in accordance with the closure plan.

i. The cost estimates must be adjusted within 30 days after each anniversary of the date on which the first cost estimate was prepared, on the basis of either the inflation factor derived from the Annual Implicit Price Deflator for Gross Domestic Product, as published by the U.S. Department of Commerce in its *Survey of Current Business*, or a re-estimation of the closure costs in accordance with Subparagraph E.2.a of this Section. The affected person must revise the cost estimate whenever a change in the closure plan increases or decreases the cost of the closure plan. The affected person must submit a written notice of any such adjustment to the Office of Environmental Services within 15 days following such adjustment.

ii. For trust funds, the first payment must be at least equal to the current closure cost estimate, divided by the number of years in the pay-in period. Subsequent payments must be made no later than 30 days after each annual anniversary of the date of the first payment. The amount of each subsequent payment must be determined by subtracting the current value of the trust fund from the current closure cost estimate and dividing the result by the number of years remaining in the pay-in period. The initial pay-in period is based on the estimated life of the facility.

b. Financial Assurance Instruments. The financial assurance instrument must be one or a combination of the following: a trust fund, a financial guarantee bond ensuring closure funding, a performance bond, a letter of credit, an insurance policy, or the financial test. The financial assurance mechanism is subject to the approval of the administrative authority and must fulfill the following criteria.

i. Except when a financial test, trust fund, or certificate of insurance is used as the financial assurance mechanism, a standby trust fund naming the administrative authority as beneficiary must be established at the time of the creation of the financial assurance mechanism into which the proceeds of such mechanism could be transferred should such funds be necessary for closure of the facility, and a signed copy must be furnished to the administrative authority with the mechanism.

ii. An affected person may use a financial assurance mechanism specified in this Section for more than one facility, if all such facilities are located within the state of Louisiana and are specifically identified in the mechanism.

iii. The amount covered by the financial assurance mechanisms must equal the total of the current closure cost estimate for each facility covered.

iv. When all closure requirements have been satisfactorily completed, the administrative authority shall execute an approval to terminate the financial assurance mechanisms.

c. Trust Funds. An affected person may satisfy the requirements of this Section by establishing a closure trust fund that conforms to the following requirements and submitting an originally-signed duplicate of the trust agreement to the Office of Environmental Services.

i. The trustee must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

ii. Trusts must be accomplished in accordance with and subject to the laws of the state of Louisiana. The beneficiary of the trust shall be the administrative authority.

iii. Trust fund earnings may be used to offset required payments into the fund, to pay the fund trustee, or to pay other expenses of the funds, or may be reclaimed by the affected person upon approval of the administrative authority.

iv. The trust agreement must be accompanied by an affidavit certifying the authority of the individual signing the trust on behalf of the affected person.

v. The affected person may accelerate payments into the trust fund or deposit the full amount of the current closure cost estimate at the time the fund is established. The affected person must, however, maintain the value of the fund at no less than the value that the fund would have if annual payments were made as specified in Clause E.2.a.ii of this Section.

vi. If the affected person establishes a trust fund after having used one or more of the alternate instruments specified in this Section, the first payment must be in at least the amount that the fund would contain if the trust fund were established initially and annual payments made according to the specifications of Clause E.2.a.ii of this Section.

vii. After the pay-in period is completed, whenever the current cost estimate changes, the affected person must compare the new estimate with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimate, the affected person, within 60 days after the change in the cost estimate, must either deposit an amount into the fund that will make its value at least equal to the amount of the closure cost estimate, or obtain other financial assurance as specified in this Section to cover the difference.

viii. After beginning final closure, an affected person or any other person authorized by the affected person to perform closure may request reimbursement for closure expenditures by submitting itemized bills to the Office of Environmental Services. Within 60 days after receiving bills for such activities, the administrative authority will determine whether the closure expenditures are in accordance with the closure plan or otherwise justified, and, if so, he or she will instruct the trustee to make reimbursement in such amounts as the administrative authority specifies in writing. If the administrative authority has reason to believe that the cost of closure will be significantly greater than the value of the trust fund, he may

withhold reimbursement for such amounts as he deems prudent until he determines that the affected person is no longer required to maintain financial assurance.

ix. The wording of the trust agreement shall be identical to the wording in LAC 33:IX.7395.Appendix D, except that the instructions in brackets are to be replaced with the relevant information, and the brackets deleted. The trust agreement shall be accompanied by a formal certification of acknowledgement, as in the example in LAC 33:IX.7395.Appendix D.

d. Surety Bonds. An affected person may satisfy the requirements of this Subsection by obtaining a surety bond that conforms to the following requirements and submitting the bond to the Office of Environmental Services.

i. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury, and be approved by the administrative authority.

ii. The affected person who uses a surety bond to satisfy the requirements of this Subsection must also provide to the administrative authority evidence of the establishment of a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the administrative authority. The wording of the standby trust fund shall be identical to the wording in LAC 33:IX.7395.Appendix D, except that the instructions in brackets are to be replaced with the relevant information, and the brackets deleted. The standby trust agreement shall be accompanied by a formal certification of acknowledgement, as in the example in LAC 33:IX.7395.Appendix D.

iii. The bond must guarantee that the affected person will:

(a). fund the standby trust fund in an amount equal to the penal sum of the bond before the beginning of final closure of the facility;

(b). fund the standby trust fund in an amount equal to the penal sum within 15 days after an order to begin closure is issued; or

(c). provide alternate financial assurance, as specified in this Section, and obtain the administrative authority's written approval of the assurance provided, within 90 days after receipt by both the affected person and the administrative authority of a notice of cancellation of the bond from the surety.

iv. The terms of the bond must provide that the surety will become liable on the bond obligation when the affected person fails to perform as guaranteed by the bond.

v. The penal sum of the bond must be at least equal to the current closure cost estimate.

vi. Whenever the current closure cost estimate increases to an amount greater than the penal sum, the affected person, within 60 days after the increase, must

either cause the penal sum to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the Office of Environmental Services, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current closure cost estimate decreases, the penal sum may be reduced to the amount of the current closure cost estimate following written approval by the administrative authority.

vii. Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the affected person and to the Office of Environmental Services. Cancellation may not occur, however, before 120 days have elapsed, beginning on the date that both the affected person and the administrative authority have received the notice of cancellation, as evidenced by the return receipts.

viii. The wording of the surety bond guaranteeing payment into a standby trust fund shall be identical to the wording in LAC 33:IX.7395.Appendix E, except that the instructions in brackets are to be replaced with the relevant information, and the brackets deleted.

e. Performance Bonds. An affected person may satisfy the requirements of this Subsection by obtaining a surety bond that conforms to the following requirements and submitting the bond to the Office of Environmental Services.

i. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury, and be approved by the administrative authority.

ii. The affected person who uses a surety bond to satisfy the requirements of this Subsection must also provide to the administrative authority evidence of establishment of a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the administrative authority. The wording of the standby trust agreement shall be identical to the wording in LAC 33:IX.7395.Appendix D, except that the instructions in brackets are to be replaced with the relevant information, and the brackets deleted. The standby trust agreement shall be accompanied by a formal certification of acknowledgement, as in the example in LAC 33:IX.7395.Appendix D.

iii. The bond must guarantee that the affected person will:

(a). perform final closure in accordance with the closure plan and other requirements of the permit for the facility whenever required to do so; or

(b). provide alternate financial assurance, as specified in this Section, and obtain the administrative authority's written approval of the assurance provided, within 90 days after the date both the affected person and the administrative authority receive notice of cancellation of the bond from the surety.

iv. The terms of the bond must provide that the surety will become liable on the bond obligation when the affected person fails to perform as guaranteed by the bond. Following a determination by the administrative authority that the affected person has failed to perform final closure in accordance with the closure plan and other permit requirements when required to do so, under the terms of the bond the surety will perform final closure as guaranteed by the bond or will deposit the amount of the penal sum into the standby trust fund.

v. The penal sum of the bond must be at least equal to the current closure cost estimate.

vi. Whenever the current closure cost estimate increases to an amount greater than the penal sum, the affected person, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the Office of Environmental Services, or obtain other financial assurance as specified in this Section. Whenever the current cost estimate decreases, the penal sum may be reduced to the amount of the current cost estimate after written approval of the administrative authority.

vii. Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the affected person and to the Office of Environmental Services. Cancellation may not occur before 120 days have elapsed, beginning on the date that both the affected person and the administrative authority have received the notice of cancellation, as evidenced by the return receipts.

viii. The wording of the performance bond shall be identical to the wording in LAC 33:IX.7395.Appendix F, except that the instructions in brackets are to be replaced with the relevant information, and the brackets deleted.

f. Letter of Credit. An affected person may satisfy the requirements of this Subsection by obtaining an irrevocable standby letter of credit that conforms to the following requirements and submitting the letter to the Office of Environmental Services.

i. The issuing institution must be an entity that has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or state agency.

ii. The affected person who uses a letter of credit to satisfy the requirements of this Subsection must also provide to the administrative authority evidence of the establishment of a standby trust fund. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the administrative authority will be deposited by the issuing institution directly into the standby trust fund. The wording of the standby trust fund shall be identical to the wording in LAC 33:IX.7395.Appendix D, except that the instructions in brackets are to be replaced with the relevant information, and the brackets deleted. The standby trust agreement shall be accompanied by a formal certification of

acknowledgement, as in the example in LAC 33:IX.7395.Appendix D.

iii. The letter of credit must be accompanied by a letter from the affected person referring to the letter of credit by number, issuing institution, and date, and providing the following information:

- (a). the agency interest number;
- (b). the site name, if applicable;
- (c). the facility name;
- (d). the facility permit number; and

(e). the amount of funds assured for closure of the facility by the letter of credit.

iv. The letter of credit must be irrevocable and issued for a period of at least one year unless, at least 120 days before the current expiration date, the issuing institution notifies both the affected person and the Office of Environmental Services by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the affected person and the administrative authority have received the notice, as evidenced by the return receipts.

v. The letter of credit must be issued in an amount at least equal to the current closure cost estimate.

vi. Whenever the current cost estimates increase to an amount greater than the amount of the credit, the affected person, within 60 days after the increase, must either cause the amount of the credit to be increased so that it at least equals the current closure cost estimate and submit evidence of such increase to the Office of Environmental Services, or obtain other financial assurance as specified in this Subsection to cover the increase. Whenever the current cost estimate decreases, the amount of the credit may be reduced to the amount of the current closure cost estimate upon written approval of the administrative authority.

vii. Following a determination by the administrative authority that the affected person has failed to perform final closure in accordance with the closure plan and other permit requirements when required to do so, the administrative authority may draw on the letter of credit.

viii. The wording of the letter of credit shall be identical to the wording in LAC 33:IX.7395.Appendix G, except that the instructions in brackets are to be replaced with the relevant information, and the brackets deleted.

g. Insurance. An affected person may satisfy the requirements of this Subsection by obtaining insurance that conforms to the following requirements and submitting a certificate of such insurance to the Office of Environmental Services.

i. At a minimum, the insurer must be licensed to transact the business of insurance, or eligible to provide insurance as an excess- or surplus-lines insurer in one or more states, and authorized to transact insurance business in the state of Louisiana.

ii. The insurance policy must be issued for a face amount at least equal to the current closure cost estimate.

iii. The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.

iv. The insurance policy must guarantee that funds will be available to close the facility. The policy must also guarantee that, once final closure begins, the insurer will be responsible for paying out funds up to an amount equal to the face amount of the policy, upon the direction of the administrative authority, to such party or parties as the administrative authority specifies.

v. After beginning final closure, an affected person or any other person authorized by the affected person to perform closure may request reimbursement for closure expenditures by submitting itemized bills to the Office of Environmental Services. Within 60 days after receiving such bills, the administrative authority will determine whether the expenditures are in accordance with the closure plan or otherwise justified, and if so, he or she will instruct the insurer to make reimbursement in such amounts as the administrative authority specifies in writing.

vi. The affected person must maintain the policy in full force and effect until the administrative authority consents to termination of the policy by the affected person.

vii. Each policy must contain a provision allowing assignment of the policy to a successor of an affected person. Such assignment may be conditional upon consent of the insurer, provided consent is not unreasonably refused.

viii. The policy must provide that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate, or fail to renew the policy by sending notice by certified mail to the affected person and the Office of Environmental Services. Cancellation, termination, or failure to renew may not occur, however, before 120 days have elapsed, beginning on the date that both the administrative authority and the affected person have received the notice of cancellation, as evidenced by the return receipts. Cancellation, termination, or failure to renew may not occur, and the policy will remain in full force and effect in the event that, on or before the date of expiration:

- (a). the administrative authority deems the facility abandoned;
- (b). the permit is terminated or revoked or a new permit is denied;
- (c). closure is ordered;

(d). the affected person is named as debtor in a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code; or

(e). the premium due is paid.

ix. Whenever the current cost estimate increases to an amount greater than the face amount of the policy, the affected person, within 60 days after the increase, must either increase the face amount to at least equal to the current closure cost estimate and submit evidence of such increase to the Office of Environmental Services, or obtain other financial assurance as specified in this Subsection to cover the increase. Whenever the current cost estimate decreases, the face amount may be reduced to the amount of the current closure cost estimate following written approval by the administrative authority.

x. The wording of the certificate of insurance shall be identical to the wording in LAC 33:IX.7395.Appendix H, except that the instructions in brackets are to be replaced with the relevant information, and the brackets deleted.

h. Financial Test. An affected person or a parent corporation of the affected person, which will be responsible for the financial obligations, may satisfy the requirements of this Section by demonstrating that a financial test as specified in this Subparagraph is met. The assets of the parent corporation of the affected person shall not be used to determine whether the affected person satisfies the financial test, unless the parent corporation has supplied a corporate guarantee as outlined in Subparagraph D.1.d and/or Clause E.2.h.ix of this Section.

i. To pass this test, the affected person or parent corporation of the affected person must meet either of the following criteria:

(a). the affected person or parent corporation of the affected person must have:

(i). tangible net worth of at least six times the sum of the current closure cost estimate to be demonstrated by this test and the amount of liability coverage to be demonstrated by this test;

(ii). tangible net worth of at least \$10 million; and

(iii).assets in the United States amounting to either at least 90 percent of its total assets, or at least six times the sum of the current closure cost estimate, to be demonstrated by this test, and the amount of liability coverage to be demonstrated by this test; or

(b). the affected person or parent corporation of the affected person must have:

(i). a current rating for its most recent bond issuance of AAA, AA, A, or BBB, as issued by *Standard and Poor's*, or Aaa, Aa, or Baa, as issued by *Moody's*;

(ii). tangible net worth of at least \$10 million; and

(iii).assets in the United States amounting to either 90 percent of its total assets or at least six times the sum of the current closure cost estimate, to be demonstrated by this test, and the amount of liability coverage to be demonstrated by this test.

ii. To demonstrate that this test is met, the affected person or parent corporation of the affected person must submit the following three items to the Office of Environmental Services:

(a). a letter signed by the chief financial officer of the affected person or parent corporation demonstrating and certifying the criteria in Clause E.2.h.i of this Section and including the information required by Clause E.2.h.iv of this Section. If the financial test is provided to demonstrate both assurance for closure and liability coverage, a single letter to cover both forms of financial assurance is required;

(b). a copy of the report of the independent certified public accountant (CPA) on the financial statements of the affected person or parent corporation of the affected person for the latest completed fiscal year; and

(c). a special report from the independent CPA to the affected person or parent corporation of the affected person stating that:

(i). the CPA has computed the data specified by the chief financial officer as having been derived from the independently audited, year-end financial statements with the amounts for the latest fiscal year in such financial statements; and

(ii). in connection with that procedure, no matters came to his attention that caused him to believe that the specified data should be adjusted.

iii. The administrative authority may disallow use of this test on the basis of the opinion expressed by the independent CPA in his report on qualifications based on the financial statements. An adverse opinion or a disclaimer of opinion will be cause for disallowance. The administrative authority will evaluate other qualifications on an individual basis. The administrative authority may disallow the use of this test on the basis of the accessibility of the assets of the parent corporation (corporate guarantor) or affected person. The affected person or parent corporation must provide evidence of insurance for the entire amount of required liability coverage, as specified in this Section, within 30 days after notification of disallowance.

iv. The affected person or parent corporation (if a corporate guarantor) of the affected person shall provide to the Office of Environmental Services a letter from the chief financial officer, the wording of which shall be identical to the wording in LAC 33:IX.7395.Appendix I, except that the instructions in brackets are to be replaced with the relevant information, and the brackets deleted. The letter shall certify the following information:

(a). a list of facilities, whether in the state of Louisiana or not, owned or operated by the affected person of the facility, for which financial assurance for liability

coverage is demonstrated through the use of financial tests, including the amount of liability coverage;

(b). a list of facilities, whether in the state of Louisiana or not, owned or operated by the affected person, for which financial assurance for the closure is demonstrated through the use of a financial test or self-insurance by the affected person, including the cost estimates for the closure of each facility;

(c). a list of the facilities, whether in the state of Louisiana or not, owned or operated by any subsidiaries of the parent corporation for which financial assurance for closure is demonstrated through the financial test or through use of self-insurance, including the current cost estimate for the closure for each facility and the amount of annual aggregate liability coverage for each facility; and

(d). a list of facilities, whether in the state of Louisiana or not, for which financial assurance for closure is not demonstrated through the financial test, self-insurance, or other substantially equivalent state instruments, including the estimated cost of closure of such facilities.

v. For the purposes of this Subsection the phrase *tangible net worth* shall mean the tangible assets that remain after liabilities have been deducted; such assets would not include intangibles such as good will and rights to patents or royalties.

vi. The phrase *current closure cost estimate*, as used in Clause E.2.h.i of this Section, includes the cost estimate required to be shown in Division E.2.h.i.(a).(i) of this Section.

vii. After initial submission of the items specified in Clause E.2.h.ii of this Section, the affected person or parent corporation of the affected person must send updated information to the Office of Environmental Services within 90 days after the close of each succeeding fiscal year. This information must include all three items specified in Clause E.2.h.ii of this Section.

viii. The administrative authority may, on the basis of a reasonable belief that the affected person or parent corporation of the affected person may no longer meet the requirements of this Subparagraph, require reports of financial condition at any time in addition to those specified in Clause E.2.h.ii of this Section. If the administrative authority finds, on the basis of such reports or other information, that the affected person or parent corporation of affected person no longer meets the requirements of Clause E.2.h.ii of this Section, the affected person or parent corporation of the affected person must provide alternate financial assurance as specified in this Subsection within 30 days after notification of such a finding.

ix. An affected person may meet the requirements of this Subparagraph for closure by obtaining a written guarantee, hereafter referred to as a *corporate guarantee*. The guarantor must be the parent corporation of the affected person. The guarantor must meet the requirements and submit all information required for affected persons in

Clauses E.2.h.i-viii of this Section and must comply with the terms of the corporate guarantee. The corporate guarantee must accompany the items sent to the administrative authority specified in Clauses E.2.h.ii and iv of this Section. The wording of the corporate guarantee must be identical to the wording in LAC 33:IX.7395.Appendix J, except that instructions in brackets are to be replaced with the relevant information, and the brackets deleted. The terms of the corporate guarantee must be in an authentic act signed and sworn by an authorized officer of the corporation before a notary public and must provide that:

(a). the guarantor meets or exceeds the financial test criteria and agrees to comply with the reporting requirements for guarantors as specified in Clauses E.2.h.ii and iv of this Section;

(b). the guarantor is the parent corporation of the affected person of the facilities to be covered by the guarantee, and the guarantee extends to certain facilities;

(c). *closure plans*, as used in the guarantee, refers to the plans maintained as required by the state of Louisiana regulations for the closure of facilities, as identified in the guarantee;

(d). for value received from the affected person, the guarantor guarantees to the Office of Environmental Services that the affected person will perform closure of the facility or facilities listed in the guarantee, in accordance with the closure plan and other permit or regulatory requirements whenever required to do so. In the event that the affected person fails to perform as specified in the closure plan, the guarantor shall do so or establish a trust fund as specified in Subparagraph E.2.c of this Section, in the name of the affected person, in the amount of the current closure cost estimate or as specified in Clause E.2.b.ii of this Section;

(e). the guarantor agrees that if, at the end of any fiscal year before termination of the guarantee, the guarantor fails to meet the financial test criteria, the guarantor shall send within 90 days after the end of the fiscal year, by certified mail, notice to the Office of Environmental Services and to the affected person that he intends to provide alternative financial assurance as specified in this Subsection, in the name of the affected person, and that within 120 days after the end of such fiscal year, the guarantor shall establish such financial assurance unless the affected person has done so;

(f). the guarantor agrees to notify the Office of Environmental Services by certified mail of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the guarantor as debtor, within 10 days after commencement of the proceeding;

(g). the guarantor agrees that within 30 days after being notified by the administrative authority of a determination that the guarantor no longer meets the financial test criteria or that the guarantor is disallowed from continuing as a guarantor of closure, the guarantor will establish alternate financial assurance as specified in this

Subsection in the name of the affected person, unless the affected person has done so;

(h). the guarantor agrees to remain bound under the guarantee, notwithstanding any or all of the following: amendment or modification of the closure plan, amendment or modification of the permit, extension or reduction of the time of performance of closure, or any other modification or alteration of an obligation of the affected person in accordance with these regulations;

(i). the guarantor agrees to remain bound under the guarantee for as long as the affected person must comply with the applicable financial assurance requirements of this Subsection for the facilities covered by the corporate guarantee, except that the guarantor may cancel this guarantee by sending notice by certified mail to the Office of Environmental Services and the affected person. The cancellation will become effective no earlier than 90 days after receipt of such notice by both the administrative authority and the affected person, as evidenced by the return receipts;

(j). the guarantor agrees that if the affected person fails to provide alternative financial assurance as specified in this Subsection, and to obtain written approval of such assurance from the administrative authority within 60 days after the administrative authority receives the guarantor's notice of cancellation, the guarantor shall provide such alternate financial assurance in the name of the affected person; and

(k). the guarantor expressly waives notice of acceptance of the guarantee by the administrative authority or by the affected person. The guarantor also expressly waives notice of amendments or modifications of the closure plan and of amendments or modifications of the facility permit.

i. Local Government Financial Test. An affected person that is a local government and that satisfies the requirements of Clauses E.2.i.i-iii of this Section may demonstrate financial assurance up to the amount specified in Clause E.2.i.iv of this Section.

i. Financial Component

(a). The affected person must satisfy the following conditions, as applicable:

(i). if the affected person has outstanding, rated, general obligation bonds that are not secured by insurance, a letter of credit, or other collateral or guarantee, he must have a current rating of Aaa, Aa, A, or Baa, as issued by *Moody's*, or AAA, AA, A, or BBB, as issued by *Standard and Poor's*, on all such general obligation bonds; or

(ii). the affected person must have a ratio of cash plus marketable securities to total expenditures greater than or equal to 0.05 and a ratio of annual debt service to total expenditures less than or equal to 0.20 based on the affected person's most recent audited annual financial statement.

(b). The affected person must prepare its financial statements in conformity with *Generally Accepted Accounting Principles* for governments and have the financial statements audited by an independent certified public accountant (or appropriate state agency).

(c). A local government is not eligible to assure its obligations under this Subparagraph if it:

(i). is currently in default on any outstanding general obligation bonds;

(ii). has any outstanding general obligation bonds rated lower than Baa as issued by *Moody's* or BBB as issued by *Standard and Poor's*;

(iii). operated at a deficit equal to 5 percent or more of total annual revenue in each of the past two fiscal years; or

(iv). receives an adverse opinion, disclaimer of opinion, or other qualified opinion from the independent certified public accountant (or appropriate state agency) auditing its financial statement as required under Subclause E.2.i.i.(b) of this Section. The administrative authority may evaluate qualified opinions on a case-by-case basis and allow use of the financial test in cases where the administrative authority deems the qualification insufficient to warrant disallowance of use of the test.

(d). The following terms used in this Paragraph are defined as follows.

(i). *Deficit*—total annual revenues minus total annual expenditures.

(ii). *Total Revenues*—revenues from all taxes and fees, but not including the proceeds from borrowing or asset sales, excluding revenue from funds managed by local government on behalf of a specific third party.

(iii). *Total Expenditures*—all expenditures, excluding capital outlays and debt repayment.

(iv). *Cash Plus Marketable Securities*—all the cash plus marketable securities held by the local government on the last day of a fiscal year, excluding cash and marketable securities designated to satisfy past obligations such as pensions.

(v). *Debt Service*—the amount of principal and interest due on a loan in a given time period, typically the current year.

ii. Public Notice Component. The local government affected person must place a reference to the closure costs assured through the financial test into its next comprehensive annual financial report (CAFR) after the effective date of this Section or prior to the initial receipt of sewage sludge, other feedstock, or supplements at the facility, whichever is later. Disclosure must include the nature and source of closure requirements, the reported liability at the balance sheet date, the estimated total closure cost remaining to be recognized, the percentage of landfill capacity used to date, and the estimated landfill life in years.

For closure costs, conformance with *Governmental Accounting Standards Board Statement 18* assures compliance with this public notice component.

iii. Recordkeeping and Reporting Requirements

(a). The local government affected person must place the following items in the facility's operating record:

(i). a letter signed by the local government's chief financial officer that lists all the current cost estimates covered by a financial test, as described in Clause E.2.i.iv of this Section. It must provide evidence that the local government meets the conditions of Subclauses E.2.i.i.(a)-(c) of this Section, and certify that the local government meets the conditions of Subclauses E.2.i.i.(a)-(c) and Clauses E.2.i.ii and iv of this Section;

(ii). the local government's independently audited year-end financial statements for the latest fiscal year (except for local governments where audits are required every two years, and unaudited statements may be used in years when audits are not required), including the unqualified opinion of the auditor, who must be an independent certified public accountant or an appropriate state agency that conducts equivalent comprehensive audits;

(iii). a report to the local government from the local government's independent certified public accountant or the appropriate state agency based on performing an agreed-upon procedures engagement relative to the financial ratios required by Division E.2.i.i.(a)(i) of this Section, if applicable, and the requirements of Subclause E.2.i.i.(b) and Divisions E.2.i.i.(c)(i)-(iv) of this Section. The report by the certified public accountant or state agency should state the procedures performed and the findings of the certified public accountant or state agency; and

(iv). a copy of the comprehensive annual financial report (CAFR) used to comply with Clause E.2.i.ii of this Section (certification that the requirements of *General Accounting Standards Board Statement 18* have been met).

(b). The items required in Subclause E.2.i.iii.(a) of this Section must be placed in the facility operating record, in the case of closure, either before the effective date of this Section or prior to the initial receipt of sewage sludge, other feedstock, or supplements at the facility, whichever is later.

(c). After the initial placement of the items in the facility's operating record, the local government affected person must update the information and place the updated information in the operating record within 180 days following the close of the affected person's fiscal year.

(d). The local government affected person is no longer required to meet the requirements of Subclause E 2.i.iii.(c) of this Section when:

(i). the affected person substitutes alternate financial assurance, as specified in this Section; or

(ii). the affected person is released from the requirement of maintaining financial assurance in accordance with this Section.

(e). A local government must satisfy the requirements of the financial test at the close of each fiscal year. If the local government affected person no longer meets the requirements of the local government financial test, it must, within 210 days following the close of the affected person's fiscal year, obtain alternative financial assurance that meets the requirements of this Section, place the required submissions for that assurance in the operating record, and notify the Office of Environmental Services that the affected person no longer meets the criteria of the financial test and that alternate assurance has been obtained.

(f). The administrative authority, based on a reasonable belief that the local government affected person may no longer meet the requirements of the local government financial test, may require additional reports of financial condition from the local government at any time. If the administrative authority finds, on the basis of such reports or other information, that the affected person no longer meets the local government financial test, the local government must provide alternate financial assurance in accordance with this Section.

iv. Calculation of Costs to be Assured. The portion of the closure and corrective action costs that a local government affected person can assure under Subparagraph E.2.i of this Section is determined as follows:

(a). if the local government affected person does not assure other environmental obligations through a financial test, it may assure closure and corrective action costs that equal up to 43 percent of the local government's total annual revenue; or

(b). if the local government assures other environmental obligations through a financial test, including those associated with underground injection control (UIC) facilities under 40 CFR 144.62, petroleum underground storage tank facilities under 40 CFR Part 280, PCB storage facilities under 40 CFR Part 761, or hazardous waste treatment, storage, and disposal facilities under 40 CFR Parts 264 and 265, or any applicable corresponding state program, it must add those costs to the closure and corrective action costs it seeks to assure under this Subparagraph, and the total that may be assured must not exceed 43 percent of the local government's total annual revenue; and

(c). the affected person must obtain an alternate financial assurance instrument for those costs that exceed the limits set in this Clause.

j. Local Government Guarantee. An affected person may demonstrate financial assurance for closure, as required by this Section, by obtaining a written guarantee provided by a local government. The guarantor must meet the requirements of the local government financial test in Subparagraph E.2.i of this Section, and must comply with the terms of a written guarantee.

i. **Terms of the Written Guarantee.** The guarantee must be effective before the initial receipt of sewage sludge, other material, feedstock, or supplements or before the effective date of this Section, whichever is later, in the case of closure. The guarantee must provide that:

(a). if the affected person fails to perform closure of a facility covered by the guarantee, the guarantor will:

(i). perform closure, or pay a third party to perform closure; or

(ii). establish a fully funded trust fund as specified in Subparagraph E.2.c of this Section in the name of the affected person; and

(b). the guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the affected person and to the Office of Environmental Services. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the affected person and the administrative authority, as evidenced by the return receipts. If a guarantee is canceled, the affected person must, within 90 days following receipt of the cancellation notice by the affected person and the administrative authority, obtain alternate financial assurance, place evidence of that alternate financial assurance in the facility operating record, and notify the Office of Environmental Services. If the affected person fails to provide alternate financial assurance within the 90-day period, then the guarantor must provide that alternate assurance within 120 days following the guarantor's notice of cancellation, place evidence of the alternate assurance in the facility operating record, and notify the Office of Environmental Services.

ii. **Recordkeeping and Reporting**

(a). The affected person must place a certified copy of the guarantee, along with the items required under Clause E.2.i.iii of this Section, into the facility's operating record before the initial receipt of sewage sludge, other material, feedstock, or supplements or before the effective date of this Section, whichever is later.

(b). The affected person is no longer required to maintain the items specified in Subclause E.2.j.ii.(a) of this Section when:

(i). the affected person substitutes alternate financial assurance as specified in this Section; or

(ii). the affected person is released from the requirement of maintaining financial assurance in accordance with this Section.

(c). If a local government guarantor no longer meets the requirements of Subparagraph E.2.i of this Section, the affected person must, within 90 days, obtain alternate assurance, place evidence of the alternate assurance in the facility operating record, and notify the Office of Environmental Services. If the affected person fails to obtain alternate financial assurance within that 90-day period, the

guarantor must provide that alternate assurance within the next 30 days.

k. **Use of Multiple Instruments.** An affected person may demonstrate financial assurance for closure and corrective action, as required by this Section, by establishing more than one financial mechanism per facility, except that instruments guaranteeing performance, rather than payment, may not be combined with other instruments. The instruments must be as specified in Subparagraphs E.2.c-h of this Section, except that financial assurance for an amount at least equal to the current cost estimate for closure and/or corrective action may be provided by a combination of instruments, rather than a single mechanism.

l. **Discounting.** The administrative authority may allow discounting of closure cost estimates in this Subsection up to the rate of return for essentially risk-free investments, net of inflation, under the following conditions:

i. the administrative authority determines that cost estimates are complete and accurate and the affected person has submitted a statement from a registered professional engineer to the Office of Environmental Services so stating;

ii. the state finds the facility in compliance with applicable and appropriate permit conditions;

iii. the administrative authority determines that the closure date is certain and the affected person certifies that there are no foreseeable factors that will change the estimate of site life; and

iv. discounted cost estimates are adjusted annually to reflect inflation and years of remaining life.

F. Incapacity of Affected Persons, Guarantors, or Financial Institutions

1. All affected persons subject to this Section must notify the Office of Environmental Services by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the affected person as debtor, within 10 days after commencement of the proceeding. A guarantor of a corporate guarantee as specified in Subparagraph D.1.d or Clause E.2.h.ix of this Section must make such a notification if he is named as debtor, as required under the terms of the corporate guarantee set forth in LAC 33:IX.7395.Appendix J.

2. An affected person who fulfills the requirements of Subsection D or E of this Section by obtaining a trust fund, surety bond, letter of credit, or insurance policy will be deemed to be without the required financial assurance or liability coverage in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee institution to act as trustee or of the institution issuing the surety bond, letter of credit, or insurance policy to issue such instruments. The affected person must establish other financial assurance or liability coverage within 60 days after such an event.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:796 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2516 (October 2005), LR 33:2386 (November 2007), LR 35:931 (May 2009).

§7309. Pathogens and Vector Attraction Reduction

A. – C.1.f.i. ...

ii. The density of enteric viruses in the biosolids shall be less than 1 Plaque-forming Unit per 4 grams of total solids (dry weight basis) at the time the biosolids are used or disposed, at the time the biosolids are prepared for sale or to be given away in a bag or other container for application to the land, or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements of *Exceptional Quality biosolids* as defined in LAC 33:IX.7301.B.

f.iii. – g.i. ...

ii. Sewage sludge that is used or disposed shall be treated in one of the Processes to Further Reduce Pathogens described in LAC 33:IX.7399.B.

1.h. – 2.b.ii. ...

c. Class B Biosolids—Alternative 2. Biosolids that are used or disposed shall be treated in one of the Processes to Significantly Reduce Pathogens described in LAC 33:IX.7399.A.

d. – e.viii. ...

ix. Signs shall be posted at all entrances to the Class B biosolids land application site, having at the minimum the following content:

(a). the name of the land application site or facility;

(b). wording that indicates that the area is a biosolids land application site; and

(c). emergency contact telephone numbers.

D. – D.2.g.ii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:806 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2395 (November 2007), LR 35:941 (May 2009).

§7313. Standard Conditions Applicable to All Sewage Sludge and Biosolids Use or Disposal Permits

A. – B.3.b. ...

C. Monitoring and Reports

1. Inspection and Entry. The conditions set forth in LAC 33:IX.2701.I for inspection and entry shall apply to all permits issued in accordance with these regulations.

C.2. – D.8.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:2406 (November 2007), amended LR 35:941 (May 2009).

Subchapter B. Appendices

§7395. Financial Assurances Documents—Appendices A, B, C, D, E, F, G, H, I, and J

[NOTE: Within this Section, *affected person* means a commercial preparer of sewage sludge or a commercial land applier of biosolids, as applicable.]

A. Appendix A—Liability Endorsement

[Insert, as applicable: “COMMERCIAL PREPARER OF SEWAGE SLUDGE” or “COMMERCIAL LAND APPLIER OF BIOSOLIDS”]

LIABILITY ENDORSEMENT

Secretary
Louisiana Department of Environmental Quality
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313
Attention: Office of Environmental Services

Dear Sir:

(A). This endorsement certifies that the policy to which the endorsement is attached provides liability insurance covering bodily injury and property damage in connection with [name of the insured, which must be the affected person or the operator. (Note: The operator will provide the liability-insurance documentation only when the affected person is a public governing body and the public governing body is not the operator.)] The insured's obligation to demonstrate financial assurance is required in accordance with *Louisiana Administrative Code* (LAC), Title 33, Part IX.7307.A. The coverage applies at [list site identification number, site name, facility name, facility permit number, and facility address] for sudden and accidental occurrences. The limits of liability are per occurrence, and annual aggregate, per site, exclusive of legal-defense costs.

(B). The insurance afforded with respect to such occurrences is subject to all of the terms and conditions of the policy; provided, however, that any provisions of the policy inconsistent with Subclauses (1)-(5), below, are hereby amended to conform with Subclauses (1)-(5), below:

(1). Bankruptcy or insolvency of the insured shall not relieve the insurer of its obligations under the policy to which this endorsement is attached.

(2). The insurer is liable for the payment of amounts within any deductible applicable to the policy, with a right of reimbursement by the insured for any such payment made by the insurer. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated as specified in LAC 33:IX.7307.D.1.b-d.

(3). Whenever requested by the administrative authority, the insurer agrees to furnish to the administrative authority a signed duplicate original of the policy and all endorsements.

(4). Cancellation of this endorsement, whether by the insurer or the insured, will be effective only upon written notice and upon lapse of 60 days after a copy of such written notice is received by the administrative authority.

(5). Any other termination of this endorsement will be effective only upon written notice and upon lapse of 30 days after a copy of such written notice is received by the administrative authority.

(C). Attached is the endorsement which forms part of the policy [policy number] issued by [name of insurer], herein called the insurer, of [address of the insurer] to [name of the insured] of [address of the insured], this [date]. The effective date of said policy is [date].

(D). I hereby certify that the wording of this endorsement is identical to the wording specified in LAC 33:IX.7395.Appendix A, effective on the date first written above and that the insurer is licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more states, and is admitted, authorized, or eligible to conduct insurance business in the State of Louisiana.

[Signature of authorized representative of insurer]
[Typed name of authorized representative of insurer]
[Title of authorized representative of insurer]
[Address of authorized representative of insurer]

B. Appendix B—Certificate of Insurance

[Insert, as applicable: "COMMERCIAL PREPARER OF SEWAGE SLUDGE" or "COMMERCIAL LAND APPLIER OF BIOSOLIDS"]

CERTIFICATE OF LIABILITY INSURANCE

Secretary
Louisiana Department of Environmental Quality
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313
Attention: Office of Environmental Services
Dear Sir:

(A). [Name of insurer], the "insurer," of [address of insurer] hereby certifies that it has issued liability insurance covering bodily injury and property damage to [name of insured, which must be the affected person or the facility], the "insured," of [address of insured] in connection with the insured's obligation to demonstrate financial assurance under *Louisiana Administrative Code* (LAC), Title 33, Part IX.7307.A. The coverage applies at [list agency interest number(s), site name(s), facility name(s), facility permit number(s), and site address(es)] for sudden and accidental occurrences. The limits of liability are each occurrence and annual aggregate, per site, exclusive of legal-defense costs. The coverage is provided under policy number [policy number], issued on [date]. The effective date of said policy is [date].

(B). The insurer further certifies the following with respect to the insurance described in Paragraph (A):

(1). Bankruptcy or insolvency of the insured shall not relieve the insurer of its obligations under the policy.

(2). The insurer is liable for the payment of amounts within any deductible applicable to the policy, with a right of reimbursement by the insured for any such payment made by the insurer. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated, as specified in LAC 33:IX.7307.D.1.b – d.

(3). Whenever requested by the administrative authority, the insurer agrees to furnish to him a signed duplicate original of the policy and all endorsements.

(4). Cancellation of the insurance, whether by the insurer or the insured, will be effective only upon written notice and upon lapse of 60 days after a copy of such written notice is received by the administrative authority.

(5). Any other termination of the insurance will be effective only upon written notice and upon lapse of 30 days after a copy of such written notice is received by the administrative authority.

(C). I hereby certify that the wording of this certificate is identical to the wording specified in LAC 33:IX.7395.Appendix B, as such regulations were constituted on the date first written above, and that the insurer is licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more states, and is admitted, authorized, or eligible to conduct insurance business in the State of Louisiana.

[Signature of authorized representative of insurer]
[Typed name of authorized representative of insurer]
[Title of authorized representative of insurer]
[Address of authorized representative of insurer]

C. Appendix C—Letter of Credit

[Insert, as applicable: "COMMERCIAL PREPARER OF SEWAGE SLUDGE" or "COMMERCIAL LAND APPLIER OF BIOSOLIDS"]

IRREVOCABLE LETTER OF CREDIT

Secretary
Louisiana Department of Environmental Quality
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313
Attention: Office of Environmental Services
Dear Sir:

We hereby establish our Irrevocable Standby Letter of Credit No.[number] at the request and for the account of [affected person's name and address] for its [list site identification number(s), site name(s), facility name(s), and facility permit number(s)] at [location(s)], Louisiana, in favor of any governmental body, person, or other entity for any sum or sums up to the aggregate amount of U.S. dollars [amount] upon presentation of:

(A). A final judgment issued by a competent court of law in favor of a governmental body, person, or other entity and against [affected person's name] for sudden and accidental occurrences for claims arising out of injury to persons or property due to operations by the affected person at [site location(s)] as set forth in the *Louisiana Administrative Code* (LAC), Title 33, Part IX.7307.A.

(B). A sight draft bearing reference to the Letter of Credit No. [number] drawn by the governmental body, person, or other entity, in whose favor the judgment has been rendered as evidenced by documentary requirement in Paragraph (A).

The Letter of Credit is effective as of [date] and will expire on [date], but such expiration date will be automatically extended for a period of at least one year on the above expiration date [date] and on each successive expiration date thereafter, unless, at least 120 days before the then-current expiration date, we notify both the administrative authority and [name of affected person] by certified mail that we have decided not to extend this Letter of Credit beyond the then-current expiration date. In the event we give such notification, any unused portion of this Letter of Credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by both the Department of Environmental Quality and [name of affected person] as shown on the signed return receipts.

Whenever this Letter of Credit is drawn under and in compliance with the terms of this credit, we shall duly honor

such draft upon presentation to us, and we shall deposit the amount of the draft directly into the standby trust fund of [name of affected person] in accordance with the administrative authority's instructions.

Except to the extent otherwise expressly agreed to, the Uniform Customs and Practice for Documentary Letters of Credit (1983), International Chamber of Commerce Publication No. 400, shall apply to this Letter of Credit.

We certify that the wording of this Letter of Credit is identical to the wording specified in LAC 33:IX.7395.Appendix C, effective on the date shown immediately below.

[Signature(s) and title(s) of official(s) of issuing institution(s)]
[date]

D. Appendix D—Trust Agreement

[Insert, as applicable: "COMMERCIAL PREPARER OF SEWAGE SLUDGE" or "COMMERCIAL LAND APPLIER OF BIOSOLIDS"]

TRUST AGREEMENT/STANDBY TRUST AGREEMENT

This Trust Agreement (the "Agreement") is entered into as of [date] by and between [name of affected person], a [name of state] [insert "corporation," "partnership," "association," or "proprietorship"], the "Grantor," and [name of corporate trustee], [insert "incorporated in the State of" or "a national bank" or "a state bank"], the "Trustee."

WHEREAS, the Department of Environmental Quality of the State of Louisiana, an agency of the State of Louisiana, has established certain regulations applicable to the Grantor, requiring that an affected person shall provide assurance that funds will be available when needed for closure of the facility;

WHEREAS, the Grantor has elected to establish a trust to provide all or part of such financial assurance for the facility identified herein;

WHEREAS, the Grantor, acting through its duly authorized officers, has selected [the Trustee] to be the trustee under this Agreement, and [the Trustee] is willing to act as trustee.

NOW, THEREFORE, the Grantor and the Trustee agree as follows:

SECTION 1. DEFINITIONS

As used in this Agreement:

(a). The term "Grantor" means the affected person who enters into this Agreement and any successors or assigns of the Grantor.

(b). The term "Trustee" means the Trustee who enters into this Agreement and any successor trustee.

(c). The term "Secretary" means the Secretary of the Louisiana Department of Environmental Quality.

(d). The term "Administrative Authority" means the Secretary or a person designated by him to act therefor.

SECTION 2. IDENTIFICATION OF FACILITIES AND COST ESTIMATES

This Agreement pertains to the facilities and cost estimates identified on attached Schedule A. [On Schedule A, list the agency interest number, site name, facility name, facility permit number, and the annual aggregate amount of liability coverage or current closure cost estimates, or portions thereof, for which financial assurance is demonstrated by this Agreement.]

SECTION 3. ESTABLISHMENT OF FUND

The Grantor and the Trustee hereby establish a trust fund, the "Fund," for the benefit of the Louisiana Department of Environmental Quality. The Grantor and the Trustee intend that no third party shall have access to the Fund, except as herein provided. The Fund is established initially as consisting of the property, which is acceptable to the Trustee, described in Schedule B attached hereto. [Note: Standby Trust Agreements need not be funded at the time of execution. In the case of Standby Trust Agreements, Schedule B should be blank except for a statement that the Agreement is not presently funded, but shall be funded by the financial assurance document used by the Grantor in accordance with the terms of that document.] Such property and any other property subsequently transferred to the Trustee is referred to as the Fund, together with all earnings and profits thereon, less any payments or distributions made by the Trustee pursuant to this Agreement. The Fund shall be held by the Trustee, in trust, as hereinafter provided. The Trustee shall not be responsible nor shall it undertake any responsibility for the amount or adequacy of, nor any duty to collect from the Grantor, any payments necessary to discharge any liabilities of the Grantor established by the administrative authority.

SECTION 4. PAYMENT FOR CLOSURE OR LIABILITY COVERAGE

The Trustee shall make payments from the Fund as the administrative authority shall direct, in writing, to provide for the payment of the costs of [liability claims or closure care] of the facility covered by this Agreement. The Trustee shall reimburse the Grantor or other persons as specified by the administrative authority from the Fund for [liability claims or closure] expenditures in such amounts as the administrative authority shall direct in writing. In addition, the Trustee shall refund to the Grantor such amounts as the administrative authority specifies in writing. Upon refund, such funds shall no longer constitute part of the Fund as defined herein.

SECTION 5. PAYMENTS COMPRISED BY THE FUND

Payments made to the Trustee for the Fund shall consist of cash or securities acceptable to the Trustee.

SECTION 6. TRUSTEE MANAGEMENT

The Trustee shall invest and reinvest the principal and income of the Fund and keep the Fund invested as a single fund, without distinction between principal and income, in accordance with general investment policies and guidelines which the Grantor may communicate in writing to the Trustee from time to time, subject, however, to the provisions of this Section. In investing, reinvesting, exchanging, selling, and managing the Fund, the Trustee shall discharge his duties with respect to the trust fund solely in the interest of the beneficiary and with the care, skill, prudence, and diligence under the circumstances then prevailing which persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of like character and with like aims, except that:

(a). Securities or other obligations of the Grantor, or any owner of the [facility or facilities] or any of their affiliates as defined in the Investment Company Act of 1940, as amended, 15 U.S.C. 80a-2.(a), shall not be acquired or held, unless they are securities or other obligations of the federal or a state government.

(b). The Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to the extent insured by an agency of the federal or state government; and

(c). The Trustee is authorized to hold cash awaiting investment or distribution uninvested for a reasonable time and without liability for the payment of interest thereon.

SECTION 7. COMMINGLING AND INVESTMENT

The Trustee is expressly authorized, at its discretion:

(a). To transfer from time to time any or all of the assets of the Fund to any common, commingled, or collective trust fund created by the Trustee in which the Fund is eligible to participate, subject to all provisions thereof, to be commingled with the assets of other trusts participating therein; and

(b). To purchase shares in any investment company registered under the Investment Company Act of 1940, 15 U.S.C. 80a-1 et seq., including one which may be created, managed, or underwritten, or one to which investment advice is rendered or the shares of which are sold by the Trustee. The Trustee may vote such shares at its discretion.

SECTION 8. EXPRESS POWERS OF TRUSTEE

Without in any way limiting the powers and discretion conferred upon the Trustee by the other provisions of this Agreement or by law, the Trustee is expressly authorized and empowered:

(a). To sell, exchange, convey, transfer, or otherwise dispose of any property held by it, by public or private sale. No person dealing with the Trustee shall be bound to see to the application of the purchase money or to inquire into the validity or expediency of any such sale or other disposition;

(b). To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted;

(c). To register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depository even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such depository with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States Government, or any agency or instrumentality thereof, with a Federal Reserve Bank, but the books and records of the Trustee shall at all times show that all securities are part of the Fund;

(d). To deposit any cash in the Fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, to the extent insured by an agency of the federal or state government; and

(e). To compromise or otherwise adjust all claims in favor of, or against, the Fund.

SECTION 9. TAXES AND EXPENSES

All taxes of any kind that may be assessed or levied against or in respect of the Fund and all brokerage commissions incurred by the Fund shall be paid from the Fund. All other expenses incurred by the Trustee in connection with the administration of this Trust, including fees for legal services rendered to the Trustee, the compensation of the Trustee to the extent not paid directly by the Grantor, and other proper charges and disbursements of the Trustee, shall be paid from the Fund.

SECTION 10. ANNUAL VALUATION

The Trustee shall annually, at least 30 days prior to the anniversary date of establishment of the Fund, furnish to the Grantor and to the administrative authority a statement confirming the value of the Trust. Any securities in the Fund shall be valued at market value as of no more than 60 days prior to the anniversary date of establishment of the Fund. The failure of the Grantor to object in writing to the Trustee, within 90 days after the statement has been furnished to the Grantor

and the administrative authority, shall constitute a conclusively binding assent by the Grantor, barring the Grantor from asserting any claim or liability against the Trustee with respect to matters disclosed in the statement.

SECTION 11. ADVICE OF COUNSEL

The Trustee may from time to time consult with counsel, who may be counsel to the Grantor, with respect to any questions arising as to the construction of this Agreement or any action to be taken hereunder. The Trustee shall be fully protected, to the extent permitted by law, in acting upon the advice of counsel.

SECTION 12. TRUSTEE COMPENSATION

The Trustee shall be entitled to reasonable compensation for its services, as agreed upon in writing from time to time with the Grantor.

SECTION 13. SUCCESSOR TRUSTEE

The Trustee may resign or the Grantor may replace the Trustee, but such resignation or replacement shall not be effective until the Grantor has appointed a successor trustee and this successor accepts the appointment. The successor trustee shall have the same powers and duties as those conferred upon the Trustee hereunder. Upon the successor trustee's acceptance of the appointment, the Trustee shall assign, transfer, and pay over to the successor trustee the funds and properties then constituting the Fund. If for any reason the Grantor cannot or does not act in the event of the resignation of the Trustee, the Trustee may apply to a court of competent jurisdiction for the appointment of a successor trustee or for instructions. The successor trustee shall, in writing, specify to the Grantor, the administrative authority, and the present Trustee by certified mail, 10 days before such change becomes effective, the date on which it assumes administration of the trust. Any expenses incurred by the Trustee as a result of any of the acts contemplated by this Section shall be paid as provided in Section 9.

SECTION 14. INSTRUCTIONS TO THE TRUSTEE

All orders, requests, and instructions by the Grantor to the Trustee shall be in writing, signed by the persons designated in the attached Exhibit A or such other persons as the Grantor may designate by amendment to Exhibit A. The Trustee shall be fully protected in acting without inquiry in accordance with the Grantor's orders, requests, and instructions. All orders, requests, and instructions by the administrative authority to the Trustee shall be in writing and signed by the administrative authority. The Trustee shall act and shall be fully protected in acting in accordance with such orders, requests, and instructions. The Trustee shall have the right to assume, in the absence of written notice to the contrary, that no event constituting a change or termination of the authority of any person to act on behalf of the Grantor or administrative authority hereunder has occurred. The Trustee shall have no duty to act in the absence of such orders, requests, and instructions from the Grantor and/or administrative authority, except as provided for herein.

SECTION 15. NOTICE OF NONPAYMENT

The Trustee shall notify the Grantor and the administrative authority, by certified mail, within 10 days following the expiration of the 30-day period after the anniversary of the establishment of the Trust, if no payment is received from the Grantor during that period. After the pay-in period is completed, the Trustee shall not be required to send a notice of nonpayment.

SECTION 16. AMENDMENT OF AGREEMENT

This Agreement may be amended by an instrument, in writing, executed by the Grantor, the Trustee, and the

Title 33, Part IX

administrative authority, or by the Trustee and the administrative authority, if the Grantor ceases to exist.

SECTION 17. IRREVOCABILITY AND TERMINATION

Subject to the right of the parties to amend this Agreement, as provided in Section 16, this Trust shall be irrevocable and shall continue until terminated at the written agreement of the Grantor, the Trustee, and the administrative authority, or by the Trustee and the administrative authority, if the Grantor ceases to exist. Upon termination of the Trust, all remaining trust property, less final trust administration expenses, shall be delivered to the Grantor.

SECTION 18. IMMUNITY AND INDEMNIFICATION

The Trustee shall not incur personal liability of any nature in connection with any act or omission, made in good faith, in the administration of this Trust, or in carrying out any direction by the Grantor or the administrative authority issued in accordance with this Agreement. The Trustee shall be indemnified and saved harmless by the Grantor or from the Trust Fund, or both, from and against any personal liability to which the Trustee may be subjected by reason of any act or conduct in its official capacity, including all reasonable expenses incurred in its defense in the event that the Grantor fails to provide such defense.

SECTION 19. CHOICE OF LAW

This Agreement shall be administered, construed, and enforced according to the laws of the State of Louisiana.

SECTION 20. INTERPRETATION

As used in this Agreement, words in the singular include the plural and words in the plural include the singular. The descriptive headings for each Section of this Agreement shall not affect the interpretation or the legal efficacy of this Agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective officers duly authorized [and their corporate seals to be hereunto affixed] and attested to as of the date first above written. The parties below certify that the wording of this Agreement is identical to the wording specified in *Louisiana Administrative Code* (LAC), Title 33, Part IX.7395. Appendix D, on the date first written above.

WITNESSES:

GRANTOR:

By: _____
Its: _____
[Seal]

TRUSTEE:

By: _____
Its: _____
[Seal]

THUS DONE AND PASSED in my office in _____, on the _____ day of _____, 20_____, in the presence of _____ and _____, competent witnesses, who hereunto sign their names with the said appearers and me, Notary, after reading the whole.

Notary Public

(The following is an example of the certification of acknowledgement that must accompany the trust agreement.)

STATE OF LOUISIANA

PARISH OF _____

BE IT KNOWN, that on this _____ day of _____, 20_____, before me, the undersigned Notary Public, duly commissioned and qualified within the State and Parish aforesaid, and in the presence of the witnesses hereinafter named and undersigned, personally came and appeared _____, to me well known, who declared and acknowledged that he had signed and executed the foregoing instrument as his act and deed, and as the act and deed of the _____, a corporation, for the consideration, uses, and purposes and on terms and conditions therein set forth.

And the said appearer, being by me first duly sworn, did depose and say that he is the _____ of said corporation and that he signed and executed said instrument in his said capacity, and under authority of the Board of Directors of said corporation.

Thus done and passed in the State and Parish aforesaid, on the day and date first hereinabove written, and in the presence of _____ and _____, competent witnesses, who have hereunto subscribed their name as such, together with said appearer and me, said authority, after due reading of the whole.

WITNESSES:

NOTARY PUBLIC

E. Appendix E—Surety Bond

[Insert, as applicable: "COMMERCIAL PREPARER OF SEWAGE SLUDGE" or "COMMERCIAL LAND APPLIER OF BIOSOLIDS"]

FINANCIAL GUARANTEE BOND

Date bond was executed: _____
Effective date: _____
Principal: [legal name and business address of affected person]
Type of organization: [insert "individual," "joint venture," "partnership," or "corporation"]
State of incorporation: _____
Surety: [name and business address]
[agency interest number, site name, facility name, facility permit number, and current closure amount(s) for each facility guaranteed by this bond]
Total penal sum of bond: \$ _____
Surety's bond number: _____

Know All Persons By These Presents, That we, the Principal and Surety hereto, are firmly bound to the Louisiana Department of Environmental Quality in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where Sureties are corporations acting as cosureties, we the sureties bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit or liability is indicated, the limit of liability shall be the full amount of the penal sum.

WHEREAS, said Principal is required, under the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and specifically Section 2074(B)(4), to have a permit in order to own or operate the [insert type of permitted operation] identified above; and

WHEREAS, the Principal is required by law to provide financial assurance for closure, as a condition of the permit; and

WHEREAS, said Principal shall establish a standby trust fund as is required by the *Louisiana Administrative Code* (LAC), Title 33, Part IX.7307.E.2.d.ii, when a surety bond is used to provide such financial assurance;

NOW THEREFORE, the conditions of the obligation are such that if the Principal shall faithfully, before the beginning of final closure of the facility identified above, fund the standby trust fund in the amount(s) identified above for the facility,

OR, if the Principal shall fund the standby trust fund in such amount(s) within 15 days after an order to close is issued by the administrative authority or a court of competent jurisdiction,

OR, if the Principal shall provide alternate financial assurance as specified in LAC 33:IX.7307.D or E and obtain written approval from the administrative authority of such assurance, within 90 days after the date of notice of cancellation is received by both the Principal and the administrative authority from the Surety,

THEN, this obligation shall be null and void; otherwise it is to remain in full force and effect.

The Surety shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above. Upon notification by the administrative authority that the Principal has failed to perform as guaranteed by this bond, the Surety shall place funds in the amount guaranteed for the facility into the standby trust fund as directed by the administrative authority.

The Surety hereby waives notification or amendments to closure plans, permits, applicable laws, statutes, rules, and regulations, and agrees that no such amendment shall in any way alleviate its obligation on this bond.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety hereunder exceed the amount of the penal sum.

The Surety may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the administrative authority. Cancellation shall not occur before 120 days have elapsed beginning on the date that both the Principal and the administrative authority received the notice of cancellation, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety and to the administrative authority, provided, however, that no such notice shall become effective until the Surety has received written authorization for termination of the bond by the administrative authority.

The Principal and Surety hereby agree to adjust the penal sum of the bond yearly in accordance with LAC 33:IX.7307.E.2.d.vi and the conditions of the permit so that it guarantees a new closure amount, provided that the penal sum does not increase or decrease without the written permission of the administrative authority.

The Principal and Surety hereby agree that no portion of the penal sum may be expended without prior written approval of the administrative authority.

IN WITNESS WHEREOF, the Principal and the Surety have executed this FINANCIAL GUARANTEE BOND and have affixed their seals on the date set forth above.

Those persons whose signatures appear below hereby certify that they are authorized to execute this FINANCIAL GUARANTEE BOND on behalf of the Principal and Surety, that each Surety hereto is authorized to do business in the State of Louisiana, and that the wording of this surety bond is identical to the wording specified in LAC 33:IX.7395.Appendix E, effective on the date this bond was executed.

PRINCIPAL
[Signature(s)]
[Name(s)]
[Title(s)]
[Corporate Seal]

CORPORATE SURETIES
[Name and Address]
State of incorporation: _____
Liability limit: \$ _____
[Signature(s)]
[Name(s) and title(s)]
[Corporate seal]
[This information must be provided for each cosurety]
Bond Premium: \$ _____

F. Appendix F—Performance Bond

[Insert, as applicable: "COMMERCIAL PREPARER OF SEWAGE SLUDGE" or "COMMERCIAL LAND APPLIER OF BIOSOLIDS"]

PERFORMANCE BOND

Date bond was executed: _____
Effective date: _____
Principal: [legal name and business address of affected person]
Type of organization: [insert "individual," "joint venture," "partnership," or "corporation"]
State of incorporation: _____
Surety: [name(s) and business address(es)]
[agency interest number, site name, facility name, facility permit number, facility address, and closure amount(s) for each facility guaranteed by this bond]
Total penal sum of bond: \$ _____
Surety's bond number: _____

Know All Persons by These Presents, That we, the Principal and Surety hereto, are firmly bound to the Louisiana Department of Environmental Quality in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally; provided that, where Sureties are corporations acting as cosureties, we, the Sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

WHEREAS, said Principal is required, under the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and specifically Section 2074(B)(4), to have a permit in order to own or operate the [insert type of permitted operation] identified above; and

WHEREAS, the Principal is required by law to provide financial assurance for closure, as a condition of the permit; and

WHEREAS, said Principal shall establish a standby trust fund as is required when a surety bond is used to provide such financial assurance;

THEREFORE, the conditions of this obligation are such that if the Principal shall faithfully perform closure, whenever required to do so, of the facility for which this bond guarantees closure, in accordance with the closure plan and other requirements of the permit as such plan and permit may be amended, pursuant to all applicable laws, statutes, rules, and regulations, as such laws, statutes, rules, and regulations may be amended;

OR, if the Principal shall provide financial assurance as specified in *Louisiana Administrative Code* (LAC), Title 33, Part IX.7307.E and obtain written approval of the administrative authority of such assurance, within 90 days after the date of notice of cancellation is received by both the Principal and the administrative authority, then this obligation shall be null and void; otherwise it is to remain in full force and effect.

The surety shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described hereinabove.

Upon notification by the administrative authority that the Principal has been found in violation of the closure requirements of the LAC 33:IX.7305.C.3, or of its permit for the facility for which this bond guarantees performance of closure, the Surety shall either perform closure in accordance with the closure plan and other permit requirements, or place the closure amount guaranteed for the facility into the standby trust fund as directed by the administrative authority.

Upon notification by the administrative authority that the Principal has failed to provide alternate financial assurance, as specified in LAC 33:IX.7307.E.2.e.iii.(b), and obtain written approval of such assurance from the administrative authority during the 90 days following receipt by both the Principal and the administrative authority of a notice of cancellation of the bond, the Surety shall place funds in the amount guaranteed for the facility into the standby trust fund as directed by the administrative authority.

The Surety hereby waives notification of amendments to closure plans, permit, applicable laws, statutes, rules, and regulations, and agrees that no such amendment shall in any way alleviate its obligation on this bond.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety hereunder exceed the amount of the penal sum.

The Surety may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the administrative authority. Cancellation shall not occur before 120 days have lapsed beginning on the date that both the Principal and the administrative authority received the notice of cancellation, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety and to the administrative authority, provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond by the administrative authority.

The Principal and Surety hereby agree to adjust the penal sum of the bond yearly in accordance with LAC 33:IX.7307.E.2.d.vi and the conditions of the permit so that it guarantees a new closure amount, provided that the penal sum does not increase or decrease without the written permission of the administrative authority.

The Principal and Surety hereby agree that no portion of the penal sum may be expended without prior written approval of the administrative authority.

IN WITNESS WHEREOF, the Principal and the Surety have executed this PERFORMANCE BOND and have affixed their seals on the date set forth above.

Those persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety, that each Surety hereto is authorized to do business in the State of Louisiana, and that the wording of this surety bond is identical to the wording specified in LAC 33:IX.7395.Appendix F, effective on the date this bond was executed.

PRINCIPAL
[Signature(s)]
[Name(s)]
[Title(s)]
[Corporate seal]

CORPORATE SURETY
[Name and address]
State of incorporation: _____
Liability limit: \$ _____
[Signature(s)]
[Name(s) and title(s)]
[Corporate seal]
[For every cosurety, provide signature(s), corporate seal, and other information in the same manner as for Surety above.]
Bond premium: \$ _____

G. Appendix G—Letter of Credit

[Insert, as applicable: “COMMERCIAL PREPARER OF SEWAGE SLUDGE” or “COMMERCIAL LAND APPLIER OF BIOSOLIDS”]

IRREVOCABLE LETTER OF CREDIT

Secretary
Louisiana Department of Environmental Quality
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313
Attention: Office of Environmental Services

Dear Sir:

We hereby establish our Irrevocable Standby Letter of Credit No. _____ in favor of the Department of Environmental Quality of the State of Louisiana at the request and for the account of [affected person's name and address] for the closure fund for its [list agency interest number, site name, facility name, facility permit number] at [location], Louisiana, for any sum or sums up to the aggregate amount of U.S. dollars \$ _____ upon presentation of:

(i). A sight draft, bearing reference to the Letter of Credit No. _____ drawn by the administrative authority, together with;

(ii). A statement, signed by the administrative authority, declaring that the amount of the draft is payable into the standby trust fund pursuant to the Louisiana Environmental Quality Act, R.S. 30:2001 et seq.

The Letter of Credit is effective as of [date] and will expire on [date], but such expiration date will be automatically extended for a period of at least one year on the above expiration date [date] and on each successive expiration date thereafter, unless, at least 120 days before the then-current expiration date, we notify both the administrative authority and [name of affected person] by certified mail that we have decided not to extend this Letter of Credit beyond the then-current expiration date. In the event that we give such

notification, any unused portion of this Letter of Credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by both the Department of Environmental Quality and [name of affected person], as shown on the signed return receipts.

Whenever this Letter of Credit is drawn under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the standby trust fund of [name of affected person] in accordance with the administrative authority's instructions.

Except to the extent otherwise expressly agreed to, the [insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits, published and copyrighted by the International Chamber of Commerce," or "the Uniform Commercial Code"], shall apply to this Letter of Credit.

We certify that the wording of this Letter of Credit is identical to the wording specified in *Louisiana Administrative Code* (LAC), Title 33, Part IX.7395.Appendix G, effective on the date shown immediately below.

[Signature(s) and title(s) of official(s) of issuing institution(s)]
[date]

H. Appendix H—Certificate of Insurance

[Insert, as applicable: "COMMERCIAL PREPARER OF SEWAGE SLUDGE" or "COMMERCIAL LAND APPLIER OF BIOSOLIDS"]

CERTIFICATE OF INSURANCE FOR CLOSURE

Name and Address of Insurer: _____
(hereinafter called the "Insurer")

Name and Address of Insured: _____
(hereinafter called the "Insured")

(Note: Insured must be the affected person.)

Facilities covered: [list the agency interest number(s), site name(s), facility name(s), facility permit number(s), address(es), and amount(s) of insurance for closure] (These amounts for all facilities must total the face amount shown below.)

Face Amount: _____

Policy Number: _____

Effective Date: _____

The Insurer hereby certifies that it has issued to the Insured the policy of insurance identified above to provide financial assurance for closure for the facilities identified above. The Insurer further warrants that such policy conforms in all respects to the requirements of LAC 33:IX.7307.D.1.a or E.2.g, as applicable, and as such regulations were constituted on the date shown immediately below. It is agreed that any provision of the policy inconsistent with such regulations is hereby amended to eliminate such inconsistency.

Whenever requested by the administrative authority, the Insurer agrees to furnish to the administrative authority a duplicate original of the policy listed above, including all endorsements thereon.

I hereby certify that the Insurer is admitted, authorized, or eligible to conduct insurance business in the State of Louisiana and that the wording of this certificate is identical to the wording specified in LAC 33:IX.7395.Appendix H, effective on the date shown immediately below.

[Authorized signature of Insurer]
[Name of person signing]
[Title of person signing]
Signature of witness or notary: _____
[Date]

I. Appendix I—Letter from the Chief Financial Officer

[Insert, as applicable: "COMMERCIAL PREPARER OF SEWAGE SLUDGE" or "COMMERCIAL LAND APPLIER OF BIOSOLIDS"]

LETTER FROM THE CHIEF FINANCIAL OFFICER (LIABILITY COVERAGE AND/OR CLOSURE)

Secretary
Louisiana Department of Environmental Quality
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313
Attention: Office of Environmental Services
Dear Sir:

I am the chief financial officer of [name and address of firm, which may be either the affected person or parent corporation of the affected person]. This letter is in support of this firm's use of the financial test to demonstrate financial responsibility for [insert "liability coverage" and/or "closure," as applicable] as specified in *Louisiana Administrative Code* (LAC), Title 33, Part IX.[insert "7307.D.1.c," "7307.E.2.h," or "7307.D.1.c and E.2.h"].

[Fill out the following four paragraphs regarding facilities and associated liability coverage, and closure cost estimates. If your firm does not have facilities that belong in a particular paragraph, write "None" in the space indicated. For each facility, list the agency interest number, site name, facility name, and facility permit number.]

(A). The firm identified above is the [insert "affected person" or "parent corporation of the affected person"], whether in the State of Louisiana or not, for which liability coverage is being demonstrated through the financial test specified in LAC 33:IX.7307.D.1.c. The amount of annual aggregate liability coverage covered by the test is shown for each facility:

(B). The firm identified above is the [insert "affected person" or "parent corporation of the affected person"], whether in the State of Louisiana or not, for which financial assurance for closure is demonstrated through a financial test similar to that specified in LAC 33:IX.7307.E.2.h or other forms of self-insurance. The current closure cost estimates covered by the test are shown for each facility:

(C). This firm guarantees through a corporate guarantee similar to that specified in [insert "LAC 33:IX.7307.D.1.d," "LAC 33:IX.7307.E.2.h.ix," or "LAC 33:IX.7307.D.1.d and E.2.h.ix"], [insert "liability coverage," and/or "closure,"] whether in the State of Louisiana or not, of which [insert the name of the affected person] are/is a subsidiary of this firm. The amount of annual aggregate liability coverage covered by the guarantee for each facility and/or the current cost estimates for the closure so guaranteed is shown for each facility:

(D). This firm is the owner or operator of the following facilities, whether in the State of Louisiana or not, for which financial assurance for liability coverage and/or closure is not demonstrated either to the U.S. Environmental Protection Agency or to a state through a financial test or any other financial assurance mechanism similar to those specified in LAC 33:IX.7307.D and/or E. The current closure cost estimates not covered by such financial assurance are shown for each facility:

This firm [insert "is required" or "is not required"] to file a Form 10K with the Securities and Exchange Commission (SEC) for the latest fiscal year.

The fiscal year of this firm ends on [month, day]. The figures for the following items marked with an asterisk are derived from this firm's independently-audited, year-end financial statements for the latest completed year, ended [date].

Title 33, Part IX

[Fill in Part A if you are using the financial test to demonstrate coverage only for the liability requirements.]		
PART A. LIABILITY COVERAGE FOR ACCIDENTAL OCCURRENCES		
[Fill in Alternative I if the criteria of LAC 33:IX.7307.E.2.h.i.(a) are used.]		
Alternative I		
1. Amount of annual aggregate liability coverage to be demonstrated	\$ _____	
*2. Current assets	\$ _____	
*3. Current liabilities	\$ _____	
*4. Tangible net worth	\$ _____	
*5. If less than 90 percent of assets are located in the U.S., give total U.S. assets	\$ _____	
	YES	NO
6. Is line 4 at least \$10 million?	_____	_____
7. Is line 4 at least 6 times line 1?	_____	_____
*8. Are at least 90 percent of assets located in the U.S.? If not, complete line 9.	_____	_____
9. Is line 4 at least 6 times line 1?	_____	_____
[Fill in Alternative II if the criteria of LAC 33:IX.7307.E.2.h.i.(b) are used.]		
Alternative II		
1. Amount of annual aggregate liability coverage to be demonstrated	\$ _____	
2. Current bond rating of most recent issuance of this firm and name of rating service	_____	
3. Date of issuance of bond	_____	
4. Date of maturity of bond	_____	
*5. Tangible net worth	\$ _____	
*6. Total assets in U.S. (required only if less than 90 percent of assets are located in the U.S.)	\$ _____	
	YES	NO
7. Is line 5 at least \$10 million?	_____	_____
8. Is line 5 at least 6 times line 1?	_____	_____
*9. Are at least 90 percent of assets located in the U.S.? If not, complete line 10.	_____	_____
10. Is line 6 at least 6 times line 1?	_____	_____

[Fill in Part B if you are using the financial test to demonstrate assurance only for closure.]		
PART B. CLOSURE		
[Fill in Alternative I if the criteria of LAC 33:IX.7307.E.2.h.i.(a) are used.]		
Alternative I		
1. Sum of current closure estimates (total all cost estimates shown above)	\$ _____	
*2. Tangible net worth	\$ _____	
*3. Net worth	\$ _____	
*4. Current Assets	\$ _____	
*5. Current liabilities	\$ _____	
*6. The sum of net income plus depreciation, depletion, and amortization	\$ _____	
*7. Total assets in U.S. (required only if less than 90 percent of firm's assets are located in the U.S.)	\$ _____	
	YES	NO
8. Is line 2 at least \$10 million?	_____	_____
9. Is line 2 at least 6 times line 1?	_____	_____
*10. Are at least 90 percent of the firm's assets located in the U.S.? If not, complete line 11.	_____	_____
11. Is line 7 at least 6 times line 1?	_____	_____
[Fill in Alternative II if the criteria of LAC 33:IX.7307.E.2.h.i.(b) are used.]		
Alternative II		
1. Sum of current closure cost estimates (total of all cost estimates shown above)	\$ _____	
2. Current bond rating of most recent issuance of this firm and name of rating service	_____	
3. Date of issuance of bond	_____	
4. Date of maturity of bond	_____	
*5. Tangible net worth (If any portion of the closure cost estimate is included in "total liabilities" on your firm's financial statement, you may add the amount of that portion to this line.)	\$ _____	
*6. Total assets in U.S. (required only if less than 90 percent of the firm's assets are located in the U.S.)	\$ _____	
	YES	NO
7. Is line 5 at least \$10 million?	_____	_____
8. Is line 5 at least 6 times line 1?	_____	_____
9. Are at least 90 percent of the firm's assets located in the U.S.? If not, complete line 10.	_____	_____
10. Is line 6 at least 6 times line 1?	_____	_____

[Fill in Part C if you are using the financial test to demonstrate assurance for liability coverage and/or closure.]		
PART C. LIABILITY COVERAGE AND/OR CLOSURE		
[Fill in Alternative I if the criteria of LAC 33:IX.7307.E.2.h.i.(a) are used.]		
Alternative I		
1. Sum of current closure cost estimates (total of all cost estimates listed above)	\$ _____	
2. Amount of annual aggregate liability coverage to be demonstrated	\$ _____	
3. Sum of lines 1 and 2	\$ _____	
*4. Total liabilities (If any portion of your closure cost estimates is included in your "total liabilities" in your firm's financial statements, you may deduct that portion from this line and add that amount to lines 5 and 6.)	\$ _____	
*5. Tangible net worth	\$ _____	
*6. Net worth	\$ _____	
*7. Current assets	\$ _____	
*8. Current liabilities	\$ _____	
*9. The sum of net income plus depreciation, depletion, and amortization	\$ _____	
*10. Total assets in the U.S. (required only if less than 90 percent of assets are located in the U.S.)	\$ _____	
	YES	NO
11. Is line 5 at least \$10 million?	_____	_____
12. Is line 5 at least 6 times line 3?	_____	_____
*13. Are at least 90 percent of assets located in the U.S.? If not, complete line 14.	_____	_____
14. Is line 10 at least 6 times line 3?	_____	_____
[Fill in Alternative II if the criteria of LAC 33:IX.7307.E.2.h.i.(b) are used.]		
Alternative II		
1. Sum of current closure cost estimates (total of all cost estimates listed above)	\$ _____	
2. Amount of annual aggregate liability coverage to be demonstrated	\$ _____	
3. Sum of lines 1 and 2	\$ _____	
4. Current bond rating of most recent issuance of this firm and name of rating service	_____	
5. Date of issuance of bond	_____	
6. Date of maturity of bond	_____	
*7. Tangible net worth (If any portion of the closure cost estimates is included in the "total liabilities" in your firm's financial statements, you may add that portion to this line.)	\$ _____	
*8. Total assets in U.S. (required only if less than 90 percent of assets are located in the U.S.)	\$ _____	
	YES	NO
9. Is line 7 at least \$10 million?	_____	_____
10. Is line 7 at least 6 times line 3?	_____	_____
*11. Are at least 90 percent of assets located in the U.S.? If not, complete line 12.	_____	_____
12. Is line 8 at least 6 times line 3?	_____	_____

[The following is to be completed by all firms providing the financial test]

I hereby certify that the wording of this letter is identical to the wording specified in LAC 33:IX.7395.Appendix I.

[Signature of chief financial officer for the firm]
 [Typed name of chief financial officer]
 [Title]
 [Date]

[Insert, as applicable: "COMMERCIAL PREPARER OF SEWAGE SLUDGE" or "COMMERCIAL LAND APPLIER OF BIOSOLIDS"]

CORPORATE GUARANTEE FOR LIABILITY COVERAGE AND/OR CLOSURE

Guarantee made this [date] by [name of guaranteeing entity], a business corporation organized under the laws of the State of [insert name of state], hereinafter referred to as guarantor, to the Louisiana Department of Environmental Quality, obligee, on behalf of our subsidiary [insert the name of the affected person] of [business address].

Recitals

(A). The guarantor meets or exceeds the financial test criteria and agrees to comply with the reporting requirements for guarantors as specified in *Louisiana Administrative Code* (LAC), Title 33, Part IX.7307.D.1.d and/or E.2.h.ix.

(B). [Subsidiary] is the affected person covered by this guarantee: [List the agency interest number, site name, facility name, and facility permit number. Indicate for each facility whether guarantee is for liability coverage and/or closure and the amount of annual aggregate liability coverage and/or closure costs covered by the guarantee.]

[Fill in Paragraphs (C) and (D) below if the guarantee is for closure.]

(C). "Closure plans" as used below refers to the plans maintained as required by LAC 33:IX.7305.C.3, for the closure of the facility identified in Paragraph (B) above.

(D). For value received from the affected person, guarantor guarantees to the Louisiana Department of Environmental Quality that in the event that the affected person fails to perform closure of the above facility in accordance with the closure plan and other permit requirements whenever required to do so, the guarantor shall do so or shall establish a trust fund as specified in LAC 33:IX.7307.E.2.c, as applicable, in the name of the affected person in the amount of the current closure estimates as specified in LAC 33:IX.7307.E.2.

[Fill in Paragraph (E) below if the guarantee is for liability coverage.]

(E). For value received from the affected person, guarantor guarantees to any and all third parties who have sustained or may sustain bodily injury or property damage caused by sudden and accidental occurrences arising from operations of the facility covered by this guarantee that in the event that the affected person fails to satisfy a judgment or award based on a determination of liability for bodily injury or property damage to third parties caused by sudden and accidental occurrences arising from the operation of the above-named facility, or fails to pay an amount agreed to in settlement of a claim arising from or alleged to arise from such injury or damage, the guarantor will satisfy such judgment(s), award(s), or settlement agreement(s) up to the coverage limits identified above.

(F). The guarantor agrees that if, at the end of any fiscal year before termination of this guarantee, the guarantor fails to meet the financial test criteria, the guarantor shall send within 90 days, by certified mail, notice to the administrative authority, and to the affected person, that he intends to provide alternative financial assurance as specified in [insert "LAC 33:IX.7307.D" and/or "LAC 33:IX.7307.E"], as applicable, in the name of the affected person. Within 120 days after the end of such fiscal year, the guarantor shall establish such financial assurance unless the affected person has done so.

(G). The guarantor agrees to notify the administrative authority, by certified mail, of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming guarantor as debtor, within 10 days after commencement of the proceeding.

(H). The guarantor agrees that within 30 days after being notified by the administrative authority of a determination that the guarantor no longer meets the financial test criteria or that he is disallowed from continuing as a guarantor of [insert "liability coverage" and/or "closure"] he shall establish alternate financial assurance as specified in [insert "LAC 33:IX.7307.D" and/or "LAC 33:IX.7307.E"], as applicable, in the name of the affected person unless the affected person has done so.

(I). The guarantor agrees to remain bound under this guarantee notwithstanding any or all of the following: [if the guarantee is for closure, insert "amendment or modification of the closure plan, the extension or reduction of the time of performance of closure, or"] any other modification or alteration of an obligation of the affected person pursuant to LAC 33:IX.7305.C.3.

(J). The guarantor agrees to remain bound under this guarantee for as long as the affected person must comply with the applicable financial assurance requirements of [insert "LAC 33:IX.7307.D" and/or "LAC 33:IX.7307.E"] for the above-listed facility, except that the guarantor may cancel this guarantee by sending notice by certified mail, to the administrative authority and to the affected person, such cancellation to become effective no earlier than 90 days after receipt of such notice by both the administrative authority and the affected person, as evidenced by the return receipts.

(K). The guarantor agrees that if the affected person fails to provide alternative financial assurance as specified in [insert "LAC 33:IX.7307.D" and/or "LAC 33:IX.7307.E"], as applicable, and obtain written approval of such assurance from the administrative authority within 60 days after a notice of cancellation by the guarantor is received by the administrative authority from the guarantor, the guarantor shall provide such alternate financial assurance in the name of the affected person.

(L). The guarantor expressly waives notice of acceptance of this guarantee by the administrative authority or by the affected person. Guarantor expressly waives notice of amendments or modifications of the closure plan and of amendments or modifications of the facility permit(s).

I hereby certify that the wording of this guarantee is identical to the wording specified in LAC 33:IX.7395.Appendix J, effective on the date first above written.

Effective date: _____
[Name of Guarantor]
[Authorized signature for guarantor]
[Typed name and title of person signing]
Thus sworn and signed before me this [date].

Notary Public

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(1)(c), (B)(3), and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:818 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of Environmental Assessment, LR 30:2028 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2519 (October 2005), LR 33:2409 (November 2007), LR 35:941 (May 2009).

Title 33
ENVIRONMENTAL QUALITY
Part XV. Radiation Protection
Chapter 15. Transportation of
Radioactive Material

§1599. Appendix—Incorporation by Reference of 10 CFR Part 71, Appendix A, Tables A-1, A-2, A-3, and A-4; Procedures for Determining A₁ and A₂

[Formerly §1517]

A. Tables A-1, A-2, A-3, and A-4 in 10 CFR Part 71, Appendix A, January 1, 2008, are hereby incorporated by reference. These tables are used to determine the values of A₁ and A₂, as described in Subsections B-F of this Section.

B. – F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2104 and 2113.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:1270 (June 2000), amended LR 27:2233 (December 2001), LR 28:997 (May 2002), LR 29:701 (May 2003), LR 30:752 (April 2004), amended by the Office of Environmental Assessment, LR 31:920 (April 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:604 (April 2006), LR 33:641 (April 2007), LR 34:867 (May 2008), LR 34:2114 (October 2008), LR 35:1110 (June 2009).

